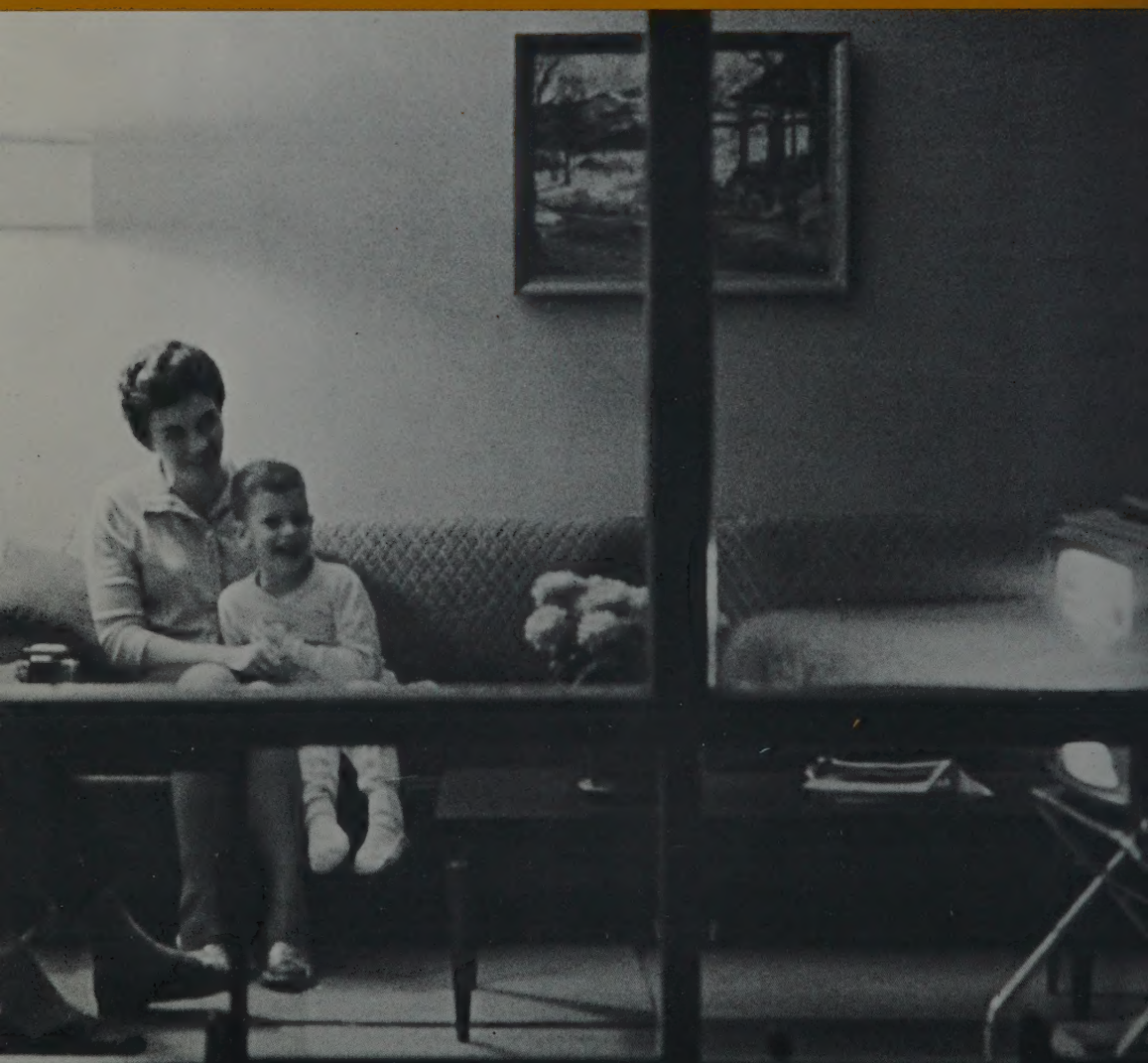


1972

The Labour Gazette



Once a wage or salary is determined, it is up to the worker himself to make the most of his pay envelope. Fighting for higher wages is not enough; workers must fight for fair prices and good quality in the goods and services they purchase. See: *Stretching the Worker's Pay: Through Cheaper Legal Assistance and Through Consumer Protection*, p. 280 and 285.



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Articles

- | | |
|-----|--|
| 275 | Labour Code Amendments |
| 278 | The Person in the System
by Harry J. Waisglass |
| 280 | Stretching the Worker's Pay
Through Cheaper Legal Assistance
by Eric Malling |
| 285 | Stretching the Worker's Pay
Through Consumer Protection
by David Tench |
| 292 | Legal Humanism: One Code of Justice for All |
| 294 | An Unenviable Record |
| 300 | Long-term Planning Needed |
| 302 | Labour Legislation in 1970-71
Part 5: Human Rights |

Departments

- | | |
|-----|--|
| 270 | News Briefs |
| 274 | 50 Years Ago |
| 305 | Price Indexes |
| 306 | General Topics:
Unemployment Insurance Report
Employment Review
Unemployment Insurance Fund |
| 308 | Legal Decisions |
| 309 | Certification |
| 312 | Conciliation |
| 314 | Decisions of the Umpire |
| 316 | Railway Arbitration |
| 317 | Library List No. 279 |
| 320 | Labour Statistics |

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News briefs

■ Dr. Sylvia Ostry has been appointed Chief Statistician of Canada, succeeding Walter E. Duffett, who retired. Since 1970, Dr. Ostry had been vice-president of the Economic Council of Canada. Born in Winnipeg, Dr. Ostry attended the University of Manitoba, later enrolling at McGill University where she obtained in 1948 a Bachelor of Arts degree, specializing in economics, and a Masters Degree in 1950. Continuing her studies at McGill and Cambridge, she received a doctorate in 1954.

Dr. Ostry taught at McGill from 1948 to 1955, then at Sir George Williams University; she was assistant professor at McGill from 1958 to 1962; and associate professor at the University of Montreal from 1962 to 1964. Dr. Ostry was head of special research projects on manpower for the Department of Labour, for the Special Senate Committee on Manpower and Employment, and for the Manitoba Government on a committee looking into the economic future of Manitoba. At Statistics Canada she was the assistant director of the labour division from 1964 to 1966, and she acted as a special advisor on manpower for the Economic Council and for the Department of Manpower and Immigration. She was named director of the Economic Council of Canada in April 1969, and became one of the three full-time members of the Council. The following year she became vice-president of that organization.

■ The Prices Division of Statistics Canada recently inaugurated the Retail Prices and Living Cost Service Bulletin designed for the timely release of information about family expenditures, consumer prices, national and international living cost comparisons. It will be published at intervals determined by the availability of useful information, anticipated to be at least 10 times a year. This Bulletin will not take the place of existing publications but will contain special analyses and tabulations that might not otherwise become generally available, or extracts or abbreviations of information released in advance of regular publication. The first issue contained advance information from the national Family Expenditure Survey conducted in 1971. It is planned to include, in future issues, articles on the impact of changes in indirect taxes on the movement of the Consumer Price Index, comparisons of domestic fuel and utilities costs among major Canadian cities, international comparisons of retail price conditions, periodic reviews of medium- or long-term price movements in consumer goods and services. The first issue was released in March 1972. Subscriptions are available from Publications Distribution, Statistics Canada, Ottawa, KIA OT6 (Catalogue No. 62-005, price \$2.00 per year).



Dr. Sylvia Ostry

Dr. K. A. Pugh, former Deputy Minister of Labour Alberta, has been appointed by Labour Minister Martin O'Connell to inquire into hours of work practices in the West Coast shipping industry. Dr. Pugh will act as inquiry Commissioner under Part III of the Canada Labour Code (Labour Standards). Mr. O'Connell said the purpose of the inquiry is to examine existing hours-of-work practices in order to determine whether there should be any changes, appropriate to the shipping industry and to the benefit of its employees, in the hours-of-work standards now required by the Code. Any modification of the existing standards could be embodied in regulations made by the Governor in Council after the inquiry. Interested parties will be invited to make submissions to the Commission. The secretary will be B. W. Reid, Regional Manager of the Labour Standards Branch of the Canada Department of Labour, Vancouver.

Canada has ratified International Labour Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize. Ambassador George G. Steff, Permanent Representative of Canada to the United Nations and the International Organizations in Geneva, deposited in March the instrument of ratification with Director-General Wilfred Jenks of the International Labour Office.

Canada thus became the 78th ILO member State to accede to Convention No. 87, which is among the most fundamental human rights standards framed by the ILO. The Convention guarantees the right of workers to join employers to establish and join organizations of their own choosing, and the right of these organizations to function without government interference. Canada has now ratified 25 International Labour Conventions. The total number of ratifications of the 136 Conventions is 3,827.

The ratification is mentioned in the preamble to Bill C-33, the act to amend the Canada Labour Code (see page 75). The preamble reads in part: "There is a long tradition in Canada of labour legislation and policy designed for the promotion of the common well-being through the encouragement of free collective bargaining and the constructive settlement of disputes. Canadian workers, trade unions and employers recognize and support freedom of association and free collective bargaining as the basis of effective industrial relations and the determination of good working conditions and sound labour-management relations."

The Government of Canada has ratified Convention No. 87 of the International Labour Organization con-

cerning Freedom of Association and Protection of the Right to Organize and has assumed international reporting responsibilities in this regard. And the Parliament of Canada desires to continue and extend its support to labour and management in their co-operative efforts to develop good relations and constructive collective bargaining practices, and deems the development of good industrial relations to be in the best interests of Canada in ensuring a just share of the fruits of progress to all."

■ **A collective agreement between the Treasury Board and the Canadian Air Traffic Control Association covering some 1,750 air traffic controllers employed by the federal Government was signed in March.** The controllers were on strike from January 17 to 27 but went back to work to await the binding report of arbitrator Prof. Noel Hall. The agreement, which covers a 27-month period from October 1, 1971, to December 31, 1973, includes a general salary increase for all employees of six per cent effective October 1, 1971—5½ per cent effective July 1, 1972, and five per cent effective April 1, 1973. In addition, salary ranges for all employees have been extended to provide two additional steps for annual increments on and after October 1, 1973.

Minimum rate of pay for an air traffic controller, effective October 1, 1971, is \$7,380. The maximum rate now is \$19,568 as of October 1, 1971. This will become \$20,644 on July 1, 1972, \$21,676 on April 1, 1973, and \$23,520 on October 1, 1973. The largest number of employees in this group is found at the AI 5 level. Maximum rate of pay for this level is increased from \$14,613 to \$15,490 as of October 1, 1971, to \$16,342 on July 1, 1972, to \$17,159 on April 1, 1973, and to \$18,618 on October 1, 1973.

Air traffic controllers received a lump sum payment of \$555 in lieu of retroactive adjustment in salaries for the period from October 1, 1971, to March 31, 1972. Hours of work for air traffic controllers will be reduced to 35 hours per week from 36 effective July 1, 1972, and to 34 hours on July 1, 1973.

Employees in the Air Traffic Control Group now will receive four weeks vacation leave after 10 years (it was previously 12 years) and five weeks after 30 years. The employer has agreed to reimburse employees in the Group for medical fees incurred in obtaining an annual medical examination as required to maintain an air traffic controller's licence. The collective agreement incorporates an arbitration award on wages and hours of work handed down March 10 by Prof. Noel Hall and articles agreed to by the parties during negotiations.

■ McGill University now has a Fringe Benefit Study Centre. Three seminars, two in French and one in English, have been held up till now. The importance of fringe benefits is obvious from the following figures: in 1968, according to Statistics Canada, the average cost of fringe benefits for each worker in the manufacturing industries was estimated at \$1,153, that is, 23.4 per cent of the basic wages and 19 per cent of the wage cost of production workers. The importance of fringe benefits has been increasing since 1947. They are now said to represent 30 per cent of the wage bill.

The idea of creating a Fringe Benefit Study Centre was originated by James Brodie, a Toronto business administration professor. In 1970, he created, at Humber College, the Centre for Continuing Studies in Employee Benefits and called upon a few Québec personalities to be part of the Advisory Board, who later decided to create a centre in Montreal.

Affiliated to the Industrial Relations Centre of McGill University, the fringe benefit centre has access to the general services of the latter and to the University's labour agreements data bank (LG 1970, p. 691). The Centre's directors, besides organizing courses designed for specialists who can immediately apply them in their sphere of activity, wish to equip it with a research department for the use of governments and private enterprise.

■ Combined expenditures for hospital care, physicians, dentists and prescribed drugs in Canada in 1970 reached an estimated \$4,387,000,000, a national per capita expenditure of \$205. This information is contained in a report on expenditures on personal health care in Canada, 1960 to 1970. Issued by the Research and Statistics Directorate of the Department of National Health and Welfare, the report concerns only those four principal components of personal health care, representing at least 90 per cent of all funds spent on the direct provision of health services to Canadian individuals. Annual percentage increases in those expenditures, the report states, were never below eight per cent between 1960 and 1970. As a percentage of the gross national product at market prices, their total rose from 3.8 per cent in 1960 to 5.2 per cent in 1970.

■ The Manpower and Immigration Department's components of the Special Employment Program, implemented last October, created employment or training for 69,000 persons by mid-February, says the Department. The breakdown: Local Initiatives Program—56,000 persons; Canada Manpower Training-On-The-Job Program—6,000; and Canada Manpower Training Program (supplementary)—7,000. A mid-March survey estimated that 104,500 persons had been assisted, a one-month increase of 35,500, under these special programs.

■ New methods for the occupational training of unemployed workers are currently being demonstrated in Canadian centres. More than 500 trainees are participating in 19 projects established jointly by the federal Department of Manpower and Immigration and departments of education in Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Manitoba, Saskatchewan, Alberta and the Northwest Territories. The purpose of the demonstration projects is to test an actual training context, the successful teaching techniques developed by the Saskatchewan and Nova Scotia NewStart Corporations in their work with disadvantaged adults over the past five years. The methods that prove useful in training the unemployed in the demonstration projects may be used in regular Canada Manpower Training courses.

The NewStart training methods being used in the demonstration projects include: individualized instruction that allows each adult to follow his personal program and progress through training at his own pace; continuous entry to and exit from training in accordance with the individual's progress and needs; the involvement of teaching assistants; basic literacy training and the combination of academic upgrading with development of skills to deal with problems encountered in everyday life. The 19 demonstration projects are administered by the provinces concerned and funded by the Department of Manpower and Immigration. All trainees are referred to courses by Canada Manpower Centres, according to the normal selection criteria of the Canada Manpower Training Program.

■ The Québec Labour and Manpower Advisory Board has published an annotated list of 80 names of persons experienced in labour relations and considered qualified to serve as grievance arbitrators. The list is published annually. Numerous complaints are heard regularly about the unacceptable delays of some arbitrators rendering their awards. To speed up the procedure, the Board has added a new criterion to those it had already set for the selection of grievance arbitrators: that awards be rendered within 60 days after the appointment of the arbitrator or, as the case may be, of

man of the arbitration board. This system, introduced in 1970 by the Board, relies on six criteria according to which the arbitrators are assessed. Since December 1969, a Québec law prohibits Judges from acting as arbitration arbitrators. This annotated list is in force until December 31, 1972. The 1970 list, the first to be submitted to the Minister of Labour and Manpower for approval, included 42 names; that of 1971, 72 names.

The Treasury Board announced in March the signing of a collective agreement with the International Brotherhood of Electrical Workers covering some 2,100 electronics technicians employed by the federal Government. The agreement, which covers a 25-month period from July 1, 1971, to July 29, 1973, provides salary increases amounting to 15.1 per cent at the largest level in the group, the EL 4 level. Salary increases for other levels in the Electronics Group vary between 13.98 per cent to 22.7 per cent.

Electronics technicians are responsible for the maintenance and repair of a wide range of electronic equipment in the Ministry of Transport, the Department of National Defence, the Department of Communications, the Department of External Affairs and a number of other government departments. A series of wildcat strikes preceded the agreement.

A Labour Hall of Fame is being planned by four unions in Montreal, New York, union leaders. The four are establishing a non-profit foundation and the Labour Hall of Fame Council. Each year, a number of important labour statesmen who have made major and outstanding contributions to the labour movement will be inducted into the Hall of Fame. An annual celebration will be held during the Labour Day weekend. This will include the annual induction of members into the Hall and a series of sports activities and other events.

Thirty trade unionists in the Atlantic Region were added to the text books at the Atlantic Region Labour Education Centre in Antigonish during March. The enrolment was made possible through a recommendation of the Atlantic Development Council and is operated with funds from the Department of Regional Economic Development.

LePage, President of the New Brunswick Federation of Labour, and John Lynk, President of the Nova Scotia Federation of Labour, who are members of the Atlantic Development Council, serve on the Board of Directors of the Centre. Rev. George Topshee heads the

administration. Harold Stafford, Saint John, Regional Director of Education for the Canadian Labour Congress, Walter Critchley, President of the Newfoundland Federation of Labour, and William Nearing, President of the Prince Edward Island Federation of Labour, are other directors of the centre.

Courses include: Union Organization and Structure in Canada, Leadership Dynamics, Social Role of Trade Unionism, Atlantic Economy, Trends in Collective Bargaining, and Understanding Community Organization. The workers' lost wages and room and board are paid by the Centre. It is expected four such sessions will be held each year, thus affording many trade unionists an opportunity to learn how they can make a greater contribution to their fellow workers and the community in which they live.

■ **An additional \$30 million was allocated to the Canada Manpower Training-on-the-Job Program in March.** Originally, \$20 million had been allocated for the program. In making the announcement, Manpower and Immigration Minister Mackasey said, "I am pleased to report that the response to the program by the Canadian business community has been excellent. The department has already received many more applications that meet the basic criteria than could have been approved with available funds. These applications will now consume most of the new allocation." Mr. Mackasey said he hoped that the success of the program would lead to the establishment of a similar program within the framework of the department's regular Canada Manpower Training Program. He added that, by the end of February, proposals amounting to a federal cost of \$22 million had received approval, providing training-on-the-job for 17,304 trainees. They will work an average of 18 weeks and receive a weekly wage averaging \$70.

■ **More than 47,000 students, an increase of 6.2 per cent over 1970, were employed in the summer of 1971 by 1,465 Canadian Chamber of Commerce member firms surveyed recently.** The survey by the Department of Manpower and Immigration showed that post-secondary school students accounted for more than 29,000 placements, an increase of 9.7 per cent over 1970. Almost 18,000 secondary students were employed, an increase of 1.1 per cent. The Canadian Chamber objective in its "Operation Placement" program for students was five per cent of regular staff employed by member firms. The Manpower and Immigration survey shows that the Chamber exceeded its objective, with student hirings averaging 5.4 per cent of total employment.

50 years ago

A drop of 60,000 in union membership in Canada was reported in the 11th annual report on Labour Organization in Canada, said the Labour Gazette of June 1922. Other topics reported in the issue were: new Canadian immigration regulations; a Québec court decision; instruction for pulp and paper workers; oriental membership in the International Seamen's Union; French pension plans; and the recruitment of English boys by Australia.

■ **The 11th annual report on Labour Organization in Canada, covering the year 1921, showed that trade union membership dropped by more than 60,000 from 1920.** Two reasons were given for this heavy loss: unemployment hindered many former union members from continuing their membership; and many workers who had joined unions during the war to share the benefits of collective bargaining dropped out later rather than pay union dues. Between 1916 and 1919, membership grew from 160,407 to 378,047 but fell to 313,320 in 1921.

The heaviest losses during the year were borne by the international organizations, showing a decline of 44,341 members. The internationals had a total membership of 222,896 in 1921; non-internationals had 24,480; independent, 15,655; National and Catholic, 45,000; and the One Big Union, 5,300. Unions of railroad employees made up 26.22 per cent of the total union membership in Canada, followed by the building trades at 9.78 per cent; other transportation unions at 8.75 per cent; and public employees, personal service and amusement trades at 7.94 per cent.

■ **New immigration regulations were issued by the Department of Immigration and Colonization, replacing the money qualification for most with an occupational qualification.** Preference was to be given to immigrants from Britain and "any self-governing British Dominion," and to agricultural and domestic workers. Asiatic immigrants, except those arriving from a country with which Canada had a special treaty, were required to have \$250 in their possession on landing.

■ **The Superior Court of Québec decided in favour of an employee in an accident case.** The workman who brought the action was in charge of a lathe machine and was struck in the right eye by a steel filing, which caused

the loss of the eye. He asked for \$5,000 on the following grounds: use of wrong and improper machine; workmen should have been provided with goggles and forced to wear them; and the machine should have been provided with a guarding apparatus. The Court said: "It is the duty of the employer to protect the workman by all means not only necessary but possible to avoid an accident. He must issue orders to that end and see that they are strictly obeyed."

■ **Facilities were set up in Canada and the United States for the technical instruction of workers in the American Pulp and Paper Association and the Canadian Pulp and Paper Association to publish suitable books.** Five volumes were produced and were reviewed by an editorial board in order to adapt them for use in correspondence courses. At least five paper-mill towns in Canada were conducting or planning classes in which the texts were used. Several Canadian companies helped their men to purchase the books on the installment plan.

■ **Japanese and Chinese seamen were admitted to the membership of the International Seamen's Union of America and its affiliated organizations, which established branch unions in the principal seaports of Canada and Japan.** This was the first time in the history of the American labour movement that a union chartered by the American Federation of Labour admitted Orientals, although such workers had repeatedly applied for membership.

■ **A typical company pension plan in France was described in the issue.** The aim of the plan was to encourage long service and thrift. Contributions from workmen were based on their yearly wages, the minimum contribution of the employees being 1 per cent. The company contributed an equal amount during the first 10 years of the employee's service. During the next 10 years, the employers contributed 1.5 per cent, and after 20 years, 2 per cent. If an employee contributed more than the minimum, the employers increased their proportion. Heads of families with four children under 14 paid only half their normal contributions, the company making up the rest; and those with five children made no payment at all.

■ **The Australian Government initiated a program to recruit 6,000 English boys between the ages of 15 and 17 for apprenticeship to South Australian farmers.** The boys were needed to replace Australian soldiers killed during the war. Each boy was to be paid four shillings a week, the remainder of his earnings to be placed in a fund at 4.5 per cent interest until he was 21. This amount was to assist him in becoming an independent farmer.

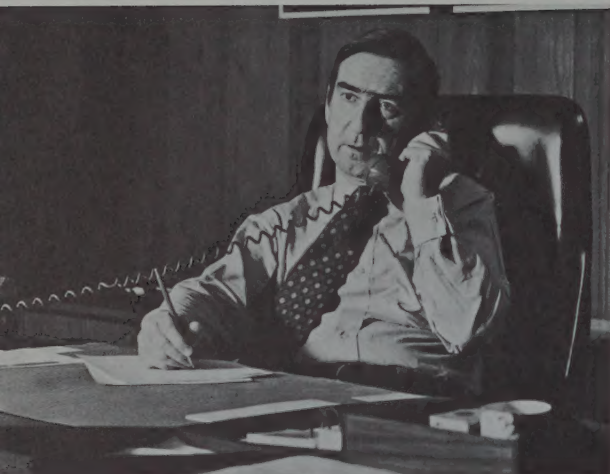
Labour Code Amendments

Canada's social and economic objectives can only be met if our industrial relations system can accommodate the rapid and continuing changes in our society, Labour Minister Martin O'Connell said in a statement issued in the House of Commons on March 27. The Minister had just introduced for first reading the Act to Amend the Canadian Labour Code (Part V—Industrial Relations).

Some portions of the predecessor Bill that aroused the employer concern dealt with technological change, and were rewritten. Under the revised Bill, employers and employees who have negotiated with unions on technological change will not be affected by that portion of the Bill.

"In considering the impact of technological change, the Government was faced with two seemingly conflicting goals," Labour Minister O'Connell said. "On the one hand, the necessity of encouraging change to reach our social and economic goals and, on the other hand, the desire to minimize the social and economic dislocation to employees caused by such change." In studying the options open, the Bill seemed to be the best solution, he said.

The Minister made it quite clear that the technological change provisions would not apply to existing collective agreements, but only to those made after the Bill came into force. The provisions would not apply in the following circumstances: where the employer has given notice in writing of the technological change during the open period; where the collective agreement sets out procedures by which the effects of a technological



Martin O'Connell

change may be negotiated and settled; and where provisions are contained in the collective agreement to assist employees affected by technological change.

Notable also was the absence of the provision that had attempted to clarify the legal position on picketing. This provision, which had appeared in the predecessor Bill, was unacceptable to both labour and management.

The new Bill contains a preamble that reaffirms the Government's desire to support labour and management in developing good relations and constructive collective bargaining practices. Another change in the new bill deals with voluntary revocable checkoff of union dues. An employee may give notice to his employer revoking an authorization given to deduct union dues from his pay unless he is bound by a collective agreement that contains provisions for the payment of union dues or amounts in lieu of union dues.

The following is a summary of other provisions originally contained in Bill C-253 that remain the same.

The Bill includes provisions that require an employer to whom the technological change provisions apply to give the bargaining agent(s) concerned a 90-day notice of

technological change where the change affects a significant number of employees. In defined circumstances, agent would be empowered, during the term of agreement, to negotiate about provisions designed to assist employees in adjusting to the effects of a technological change, with the ultimate right to strike in event that an agreement could not be reached.

In order to exercise this power, the union would have to obtain from the Labour Relations Board leave to strike notice to bargain. The Board would be authorized to grant such leave only if it was satisfied that the change in question was likely to have substantial and adverse effects on conditions or security of employment of a significant number of employees.

The Bill would make bargaining rights available to professional employees, subject to a statutory expression of preference for separate bargaining units. It would make such rights available to owner-operators of transport and to fishermen engaged on a "share-of-the-catch" basis, when such individuals are in a position of economic dependency.

The Labour Relations Board would have discretion to include in a bargaining unit employees whose duties include the supervision of other employees. Those supervisory personnel who perform managerial functions are employed in a confidential capacity in matters relating to industrial relations, however, would continue to be excluded from the definition of "employee."

It is proposed that the Labour Relations Board be constituted as a full-time body with a chairman, a vice-chairman and four members. The size of the Board could be increased, if the need should arise, by the addition of another vice-chairman and up to four members. The Board would have substantial new responsibilities.

Present unfair practice provisions would be strengthened and extended to offer additional protection to employers and trade union members. There is no

on forms of union security—and there is provision for the voluntary revocable checkoff as a minimum standard—but the individual employee would be protected against loss of employment because of a suspension or withdrawal of union membership for anyone other than a failure to pay dues. The discriminatory application of union membership or disciplinary standards would be prohibited.

The Bill also proposed that employees would be protected against disciplinary action by an employer should they refuse to do the work of other employees who are lawfully on strike. Responsibility for adjudication of unfair labour practice complaints would be transferred from the courts to the Labour Relations Board. The Board would be empowered to issue prohibitory and compliance orders and to order reinstatement and payment of compensation for lost pay. It would not be empowered to award damages in the ordinary sense or to levy fines. Illegal strikes and lockouts would remain, as at present, a subject for prosecution in the courts.

A union seeking certification for a unit without a bargaining agent would be entitled to a representation vote could demonstrate membership support of between 40 and 50 per cent. The results of a vote would be determined on the basis of a majority of employees actually voting. A union seeking to displace an existing bargaining agent would still have to claim majority support at the time of application.

There are provisions designed to put bargaining rights on a par with those acquired by voluntary recognition and those acquired by certification on an equal footing. These provisions offer protection against abuse of rights granted voluntarily. A union acquiring rights in this manner would be subject to challenge, for a one-year period, on the grounds that it lacks majority support. There are also provisions designed to carry over bargaining rights in unions are merged or a business is sold and when the agency of the federal Government is transferred to the Public Service to become or form part of a new corporation covered by the Bill.

The Bill proposes that the Minister of Labour be given a wider choice of dispute settlement instruments. In a particular dispute, the Minister would be authorized to

take no action, or to use a conciliation officer, conciliation commissioner or conciliation board. If he appointed a conciliation officer and the officer was unable to effect settlement, the Minister could decide, as the circumstances dictate, to take no further action or to appoint either a conciliation commissioner or a conciliation board.

Conciliation commissioners and conciliation boards would have equivalent powers and, if unable to effect settlements, would be expected to make reports containing findings and recommendations. The right to strike or lock out would come into effect seven days after the Minister had stated his intention to take no action or no further action, or after the report of a conciliation commissioner or board had been received by the Minister. The Minister may, at any time, appoint a mediator to assist the parties, but the intervention would in no way affect timing of the right to strike or lockout.

The lawful right to strike or lockout can only be withdrawn by Parliament. Such action, though rarely taken, is a necessary ultimate protection of the national interest. A further safeguard of the national interest is necessary in the event that a serious strike or lockout is threatened at a time when Parliament has been dissolved for an election. In this circumstance, the Bill would enable the Governor in Council to postpone until after the election the date on which the work stoppage would normally become legal.

Under the existing law, every collective agreement must contain a provision for final settlement, without stoppage of work, of all unresolved differences about the interpretation or application of a collective agreement. The Act, however, is silent on the specific role of the arbitrator. It is proposed that the role of the arbitrator be defined and strengthened; that his jurisdiction be protected from excessive judicial review; that his awards be ultimately enforceable as orders of the Federal Court. Among other things, the arbitrator would be given a specific capacity to review remedies and to substitute penalties in disciplinary cases where specific penalties are not set out in the collective agreement.

The person in the system

by Harry J. Waisglass

An industrial relations or collective bargaining system has little, if any, purpose or meaning unless it serves the human needs and aspirations of the persons within that system. The human, economic and social goals and problems of an industrial system are inextricably intertwined with the goals and problems of a whole society. Consequently, research findings that add to our knowledge and understanding of the impact of the industrial relations system on workers as persons are critical for both industrial relations and social policies.

Goals intended to achieve personal satisfaction, dignity, recognition, responsibility, self-actualization, self-respect, and the enjoyment of work achievements and friendly relationships on the job, are just as important and necessary as goals intended to achieve economic and technological progress.

Researchers in organizational behaviour and personnel relations have given a great deal of attention in recent years in an attempt to discover how human needs can be harnessed to achieve organizational objectives. They are still in the very early stages of identifying, understanding and measuring the large number of variables that influence the attitudes, motivations and behaviour of workers. What has become increasingly clear is that technology, culture, organizational structures, management styles, and personalities are among the key variables. Many attempts have also been made to develop theories that will explain the effects of these factors—but considerably more work must be done to develop a sound and tested general theory that will explain in a systematic way the interrelationships among these complex variables. Only by continually exploring these areas will we be able to discover how to obtain the kind of human development and behaviour in industry that will enrich the quality of life.

I have said that behavioural research has been oriented toward discovery of a motivational device that will mesh human needs to organizational objectives. This goal is not good enough. Behavioural research must concern itself chiefly with the development of methods by which industry and technology can be adapted to serve and to satisfy—equally and simultaneously—the non-economic as well as the economic needs of workers.

There is mounting evidence to support the view that progress in the economic, scientific and technological spheres has been advancing at rapid rates—but at a considerable human and social cost, or with comparatively little human and social progress. In the testing time before us, our human values and social institutions are being challenged, and we seem to be confronting the threat to their survival with a progressively shaken confidence.

Businesses and unions, as well as other organizations are having to cope with members who are constantly expressing their discontent, disenchantment, disillusionment and disappointment in rebellions, rejections, ruptions, abstentions and simple opting-out. At the same time, these organizations are grappling with the challenge of adapting to "bigness"—of being pushed toward large-scale, complex, many-sided, geographically widespread operations (both national and supranational) characterized by highly sophisticated technology and financial techniques.

The resulting tendency seems to be a strengthening entrenchment of bureaucracy, the traditional form of industrial organization, with its impersonal and dehumanizing features becoming more inevitable and transigent: **an impersonal, functional division of labour; a depersonalized hierarchy of authority; a technical system of procedures for laying out the work requirements; impersonal relations in the work situation; and a formalized, documented code of rules governing the rights, duties and conduct of employees.**

Nevertheless, there are also signs that, under stress, the bureaucratic norms break down, producing disorder when they fail to make the necessary concessions, accommodations, compromises and adaptations. But unfortunately the bureaucratic system seems largely immutable, and incapable of producing significant innovations in social organization.

Hopefully, further research would produce some new social inventions by bringing some new intelligence to bear on the nature and causes of alienation and anomie in our industrial system. Unfortunately, our society

g woefully to provide the necessary resources for science to resolve the crises of our times. And our scientists have been failing society. They have proved inadequate to the challenges we face. They failed to communicate effectively with the policy makers and practitioners. The social sciences have neither competed nor collaborated with the physical sciences successfully in areas of public and private policy.

eful measure of the quality of any industrial relationship system is the extent and intensity of alienation among the persons participating in the system. Therefore the hypothesis that some systems produce more alienation than others requires serious, diligent and persistent investigation.

(Harry Waisglass has been Director-General of Research and Development for the Canada Department of Labour since the beginning of 1968. Previously, he served as Research Consultant to the Special Planning Secretariat, Privy Council Office. He had also been Research Director, Canada, for the United Steelworkers of America; and Education and Research Director, Canada, for the Amalgamated Clothing Workers of America.)

(The foregoing paper was delivered by Mr. Waisglass to a symposium on "Technology and Social Change" held at Loyola College, Montreal, in March. The opinions expressed in the paper are those of the author, and do not necessarily reflect the views or policies of the Canada Department of Labour.)



Harry Waisglass

Stretching the worker's pay

Through cheaper legal assistance

by Eric Mallings

Most of the talk about law reform in this country hasn't touched the basic problem in our legal system—its cost. It has become fashionable for law students and lawyers to go to conferences and wring their hands about the hoary old procedures that need to be changed, and to proclaim the profession's discovery of "social responsibility." But they don't talk about charging people hundreds of dollars for simple jobs that are often handled by their stenographers or \$100-a-week students.

They don't admit that perhaps half the work they do at \$50 an hour could be done by the client on his own as easily as he might build a backyard fence or fix a leaky faucet. If someone showed them how, ordinary working people on modest incomes could make their own wills, buy their houses, and fight their traffic tickets without ever going near a lawyer. But they don't know, because the law and its procedures are shrouded in mysteries to be unravelled only by lawyers for a fee set by the law societies.

Lawyers will never reform the legal system. Asking them to do so is as futile as recruiting drunks to police the taverns. We have given them powers to set their fees in collusion, police their members, and keep the most basic information about the law in their own tight little club. It's a racket. Carpenters or plumbers would have the police on their doorsteps if they tried it. The lawyers have a good thing going, and they won't give it up without a fight.

Law reform must start with legislators and legislative measures to break the monopoly powers held by provincial law societies. People must have access to the law at a reasonable price, whether they pay lawyers out of their own pockets or through taxes to support legal aid plans.

Information would be a start. If Justice Minister O. Lang and all the provincial attorneys general really want law reform in this country, they should put out 10 or 30 pamphlets explaining the law to people and telling them how to do simple things on their own without having to go to a lawyer. Every department in the federal Government except Justice churns out information—everything from road maps to food rules to fishing regulations—for or profit. The Government tells us how to stop pollution at the cottage, and it shows farmers how to make money on egg business pay. The Department of National Revenue has amazing confidence in our ability to follow the little pamphlet and fill out complicated tax forms.

But there is never any information from Justice. Manitoba's Law Society seems to be the only one in Canada printing brochures that explain simple concepts in the law and tell people their rights—preventive law.

When I was a reporter at the Ontario Legislature, I wrote a series of feature stories for *The Toronto Star* about the province's landlord-tenant act. I went to the deputy attorney general to get some details about the new law: What are people's rights? Where should I

th their complaints? He refused to give detailed information to our readers, and said that people with problems certainly should not call his department, because the Government didn't want to infringe on the lawyers' right to make a living. This I find ludicrous. The Ontario Government was refusing to tell people about their own laws because it would offend the lawyers. Explanations are the lawyers' business.

head of Britain's Law Commission, Sir Leslie Scarman has a succinct description of the situation: "The lawyer has succeeded the priest in his control of the secrets of the law, and shelves upon which those secrets have been concealed have been as inaccessible as the altars guarded by the priests in primitive times."

years ago, when I was negotiating to buy a used boat, I wanted to make sure that the person selling it actually owned the boat before I gave him the cash. I went to a lawyer who is a close friend, and in about five minutes he told me exactly how to find out if the boat was sound. On his advice, I made three searches the next morning in offices near Toronto City Hall and learned that no liens were registered against the boat. It took me an hour—and it cost me \$3! Several lawyers later told me since that they would have charged at least \$100 for that job. **Imagine the outrage if carpenters were to charge \$100 for something that anyone could do in an hour!**

hide all the information," says Clayton Ruby, a 30-year-old Toronto lawyer who has dared to tell people about their rights in a \$1.25 pocketbook called 'Law for the People'. "You can buy a book on plumbing or painting or almost anything else, but you can't do it for the lawyers because we have this nice little monopoly. It's a disgrace. Half a lawyer's work is just a matter of following the rules," Ruby says. "There are no special skills. Anybody can do it if he knows the rules."

Patrick Hartt, head of the federal Law Reform Commission, and a Judge of the Ontario Supreme Court, says that people should have the information to solve the simple legal problems on their own. And he wants to simplify legal procedures so that it would be easier for citizens to go to court on their own and conduct ordinary business without having to hire a lawyer.

type of law that affects most people is "too costly and too complex," says Hartt, who was an outstanding trial lawyer before he was appointed to the bench in 1971. "If a guy wants to stand up and defend himself in



Eric Malling

court, I think that's fine. And the judge should help him. **If the law has to be so complicated in relation to my basic freedoms that I can't deal with it on my own, then something has gone haywire.** If I have to go to a lawyer to sign a simple lease, then there is something the matter with the law."

Hartt urges lawyers to let some air in by putting information out. The good lawyers wouldn't lose any income because they will always be needed for important criminal cases, complicated business law, and "drawing up millionaires' wills."

Hartt's commission is obviously trying to clarify laws that have been written by lawyers for other lawyers to understand. But the Commission's influence won't be felt for years. In the meantime, justice departments should be pressured into publishing do-it-yourself pamphlets that could steer people through as many of the existing legal procedures as possible. They should be distributed in court houses, police stations and post offices in the same way that information on brushing teeth is handed out by schools and dentists' offices.

"How to buy a house" should be one of the first pamphlets. If you buy a house in Ontario, most lawyers will charge you 1 1/4 per cent of the purchase price for arranging the deal. They charge the person or company selling the house 3/4 of 1 per cent. In total, lawyers take 2 per



cent of the purchase price and the person who is buying ends up paying it—up to \$600 for an average new home. The work is simple and usually done by a stenographer. In most provinces, anyone who can fill out his own income tax form could do the legal work involved in buying a house if he had basic instructions. In provinces where there would be any risk, the laws and procedures could easily be touched up to remove the difficulties in most circumstances.

Lawyers ordinarily charge \$500 to \$750 for an undefended divorce. But some in Toronto are now defying the County Law Association's tariff schedule, and for \$100 or \$150 they will discreetly tell people how they can get divorces on their own. They are not prompted

by pangs of conscience over charging people \$500 for a simple divorce job; they are feeling the competition from do-it-yourself divorce kits. But why should people be soaked even \$100—a week's pay for many—just for simple information? It borders on extortion. The courts and the courts belong to all of us—we pay the legislators and judges and janitors. The Government should tell us how we can make use of the system in cases where no special skill is required—and it certainly doesn't appear to be needed in undefended divorces.

One Supreme Court jurist told a **Toronto Star** reporter that he had handled 25 cases in which people had used divorce kits, and that only one had run into difficulties.

frankly surprised at how well prepared these people are to present their own cases," he admitted. Some of them, in fact, are better prepared than some lawyers."

Small estates could be settled without high legal costs. People should be able to buy a used car or, as in my case, a boat in a private deal without hiring a lawyer. With some help from the court, people should be able to defend themselves against most highway traffic charges without paying a lawyer \$100 minimum to say a few words.

For the people who can afford luxury would continue to pay the fees even if they were able to deal with the law on their own; but many more with modest incomes would step the profession. I suspect that this would have the same effect on lawyers' fees as the do-it-yourself diet kits—it would bring them down. And perhaps in a few farmers and salesmen try a bit of law on their own, they will realize that many of the legal bottlenecks and difficulties are kept in the system because lawyers get rich.

The book written by Ruby (and his colleague Paul Ireland) was a start. It has sold more than 20,000 copies. But it concentrates on relations between the police and the citizen rather than on the civil laws that most frequently affect families and are the bulk of a lawyer's work.

It praises the book, which includes a section on what to do if a lawyer overcharges you; but Ruby admits that lawyers are cool toward it. And why not? he asks. They've been through the three main courses in law school: making money, counting money, and keeping it from the government."

Information on the law for laymen is available now, but few people know that—and fewer still know how to find it. Also, people are quite naturally intimidated by courts, lawyers and convoluted legal documents. Only the government can make the information easily accessible, and give people the confidence to try to help themselves.

Do-it-yourself law is no solution for the poor and uneducated, who will continue to need legal aid and neighborhood clinics with salaried lawyers to help them with their most basic problems. But it can help the middle class, which is stung by government at one end and the professions at the other.

The federal Consumer and Corporate Affairs Department has recently started in Montreal, Toronto and Vancouver a test program in which civil servants will, for a nominal fee, help people mired in debt. Essentially they help to arrange a declaration of personal bankruptcy—a service for which lawyers charge between \$350 and \$700, an approach that is frighteningly like throwing water on a drowning man.

Justice Minister Otto Lang says that the proposal is "interesting," but "whether the Government should do it, as opposed to a private author, is a matter of taste and policy." He insists that fear of the legal profession wouldn't hold him back, but that he is cautious "because the good lawyer who could write the material has



real hesitation . . . there are so many pitfalls. The book or pamphlets would have to be marked 'dangerous, use at your own risk'. The glib generalization can be so harmful. Nevertheless, I agree that it's a very useful subject," Lang admits.

While he was Dean of the University of Saskatchewan Law School, Lang talked to farm groups about estate planning, and he advocated a junior branch of the profession to handle routine cases. He also wants a good high school text on the law. Lang's brother-in-law, Tony Merchant, has been more aggressive. Merchant, one of the Justice Minister's former students who is now a prosperous Regina lawyer, is host of a daily open-line radio show in which he gives listeners free advice on simple legal problems.

The benchers of the Law Society of Saskatchewan, the Brahmins, ordered him off the air this spring because they said his free advice was advertising that might hurt other lawyers' business. Merchant appealed to the province's highest court for an order prohibiting the benchers from interfering with his freedom of speech.

"I get a lot of poor people," he says. A good lawyer doesn't make any money from them at any time, "but you have to help them. I'm the first lawyer many people have run into whom they don't think is taking them."

Merchant had also criticized the Law Society for raising its fees, and then keeping the hikes secret. He broke the news on his show. "I suppose you could say I was using my position as a lawyer to hurt other lawyers," he admits, "... if telling the truth is hurting lawyers."

Merchant, reflecting the views of some other young lawyers, wants more government control over provincial law societies. **"They have powers that a trade union man with a wrench in his hand would never dream of having. They dictate the requirements to get into the profession, fix prices without negotiating with anyone, and they can throw people out without leaving much recourse to the courts."**

Merchant wonders also why lawyers' fees are going up when there is now a glut of new law graduates in Canada, many of whom can't find jobs.

In defence of their price-fixing and monopoly on information, the lawyers argue that their three years in law school entitle them to inordinate greed. They forget that they who paid for those three years. Taxpayers educate lawyers, doctors and dentists so that they will serve the public, not make big capitalists of themselves. No longer these professionals ignore that, the more likely it is that society will eventually demand that they be made public servants in the most literal sense.

Also, it doesn't take any more education to become a lawyer than it does to be a teacher with top qualifications, an economist or an academic. Although the jobs are often more important, few of them earn the \$26,000 average net income that Ontario lawyers reported last year. (The \$26,000 was the average income on which self-employed lawyers paid tax. One wonders how high that figure would be if lawyers were not so skilled in using every tax break.) The lawyers argue that they charge high prices because they do quality work—guaranteed by the Bar Association.

Lawyers delude themselves when they smugly presume they are the architects of society. Sen. Daniel A. Lacombe, an influential Toronto lawyer whose firm is planning to provide free legal services to the poor, recently described lawyers as "the most selfish and conservative group in society."

That case has been made before. But governments—particularly attorneys general, all of whom are lawyers—refuse to challenge this privileged pack. There should be pressed into a program to encourage do-it-yourself law—a modest reform that wouldn't shake society, or even threaten the lawyers' power. But it would be a step in the right direction, and would help to eliminate some of the most costly feather-bedding in our economy. Nothing but government laziness and contemptible devotion to vested interests is holding back reform.

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The opinions expressed in the accompanying article are those of the author, and do not necessarily reflect the views or policies of *The Toronto Star* or of the Canada Department of Labour.)

stretching the worker's pay through consumer protection

David Tench

ere Does the Money Go?" This was the title of an article that appeared in the ILO Panorama (No. 28, March-April 1968) on the importance of the ILO's effort to standardize and improve surveys of household incomes and expenditures. The article referred to the "shopping basket" concept—the cost of paying for a certain collection of items selected to serve as indicators. That is only a concept, a statistician's tool. What actually goes into the individual consumer's "shopping basket" is another matter. The manner in which it is used will stretch or shrink his income. Household income and expenditure surveys are used in the compilation of price indices, and therefore often have a direct bearing on the determination of wages. But once a wage has been determined, it is up to the wage earner himself to take the most of his pay envelope, and that is where consumer movement comes in. The following article by the legal adviser to the Consumers' Association in Britain, tells us how it works.

The first issue of **Consumer Reports**, published in New York in May 1936, proclaimed: "It may still be necessary to remind workers that their standard of living depends not only on the number of dollars they earn each week, but also on the quantity and quality of the goods the dollars can buy . . . Fighting for higher wages is not enough. Workers must fight also for fair prices and high quality in the products they buy."

So began the world consumer "revolution," which, after spreading to many other parts of the world, is now experiencing a renaissance in the country where it began, the United States.

For the first few years of its existence, the American Consumers Union maintained a strong link with labour unions there. Its monthly magazine even went so far as to include a blacklist of products made by manufacturers who failed to recognize unions, or who indulged in unfair practices regarding their workers. Consumers were encouraged to boycott those products. Although the hopes of those who looked for a worker-consumer partnership faded after World War II, many people believe it should now be revived as a matter of urgency.

There are signs that this may be about to happen. In Britain—as in other countries—the trade unions have thrown their weight behind moves to improve legislation protecting the consumer. Individual unions, engrossed in other matters, may tend to leave the consumer movement to its own devices, but the General Council of the Trades Union Congress—particularly through its Women's Advisory Committee—have not failed to keep a close watch on developments affecting consumers. Representations to government committees on such questions as data-marking of foodstuffs, consumer credit, and the establishment of advice bureaux are a common occurrence; and there is every reason to believe that work of a similar nature will increasingly be undertaken by the various Trades Councils in their dealings with the local authorities.

The movement spreads

Consumer Reports led the world in publishing the results of comparative tests, including brand names and adverse criticisms of products, where necessary. That first issue back in May 1936 included reports on breakfast cereals, stockings, soap, toothbrushes and lead in toys. Such reports are still the staple diet of consumer publications, although the techniques of testing have improved enormously over the years. The range of products covered continues to expand.

In 1956, a number of pioneers in Britain, inspired by the American approach, formed what is now Consumers' Association to publish brand-by-brand information on competing consumer durables. Some experts were skeptical about the prospects of success in the Britain. The English libel laws are notoriously tough, and there were many predictions of early disaster. Some felt it was un-British to publish in a magazine a brand-by-

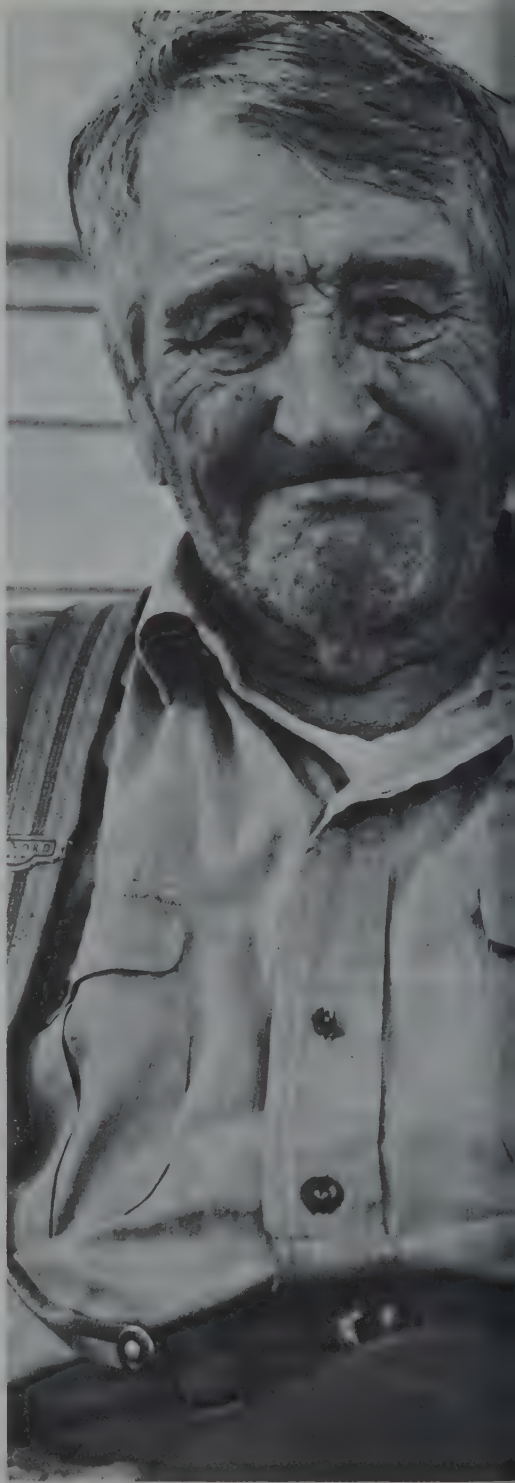
brand run-down of rival goods—not quite cricket. There were already many magazines that published articles dealing with branded products, but only one by one, and even then only on the basis of picking out the good features of each, the praise being tempered with only the mildest criticism. In the monthly journal **Which?**, published by the Consumers' Association, bromides were replaced by bombshells, hunches and impressions by solid research, testing and hard-hitting facts.

Yet **Which?** has rarely been troubled with libel suits. In the early days, manufacturers whose products were adversely mentioned in **Which?** frequently threatened court action. Nowadays this hardly ever happens. The journal's reputation for reliable and responsible testing and reporting is thoroughly established.

A few months before **Which?** got off the ground, another magazine called **Shoppers' Guide** began publication in Britain. This also published brand comparisons of consumer goods, and for a period the two magazines were operating in friendly rivalry. But **Shoppers' Guide** was not a success and ceased publication in May 1963. The failure of **Shoppers' Guide** was mainly due to the fact that it was, for most of its publishing life, indirectly financed by government and manufacturers through the British Standards Institute. Consumers in Britain, it seems, prefer information that is seen to be completely free from any possible suggestion of influence from governments or industrialists. **Which?** has gone from strength to strength since then, and now commands a circulation of over 600,000. It is an article of faith throughout the whole **Which?** organization that no money from industry, government or advertising is accepted, and that all finance is derived from subscribers only.

The Government in—and out

Following a recommendation made by a three-year inquiry into the whole question of consumer protection, the British Government set up a Consumer Council in 1963—just as **Shoppers' Guide** was folding. For seven years the government-financed Consumer Council and the independent Consumers' Association jointly carried the banner in advancing the cause of the British consumer. The government body was not authorized to engage in comparative testing, but it vigorously campaigned on issues of great significance to the consumer. For instance, it succeeded in establishing a star rating system for gasoline grades; this brought order into a



tic system of vague terms like "Economy" and "Supply". It also played a major part in transforming the law applied to trade terminology, so that shops and manufacturers are now punishable in the courts if what they say on labels or in advertising turns out to be false or misleading.

In March 1971, however, the Consumer Council ceased to exist, the Government having withdrawn the grant which had been the Council's sole source of income. In consequence, this meant that the Consumers' Association was left virtually alone to campaign for consumer protection in Britain.

where the particular mix of private, government, industry or co-operative funds that finance the consumer movements varies greatly from country to country. In the U.K., co-operatives are at the heart of consumer work, while in others, co-ops are regarded with some suspicion, on the ground that one organization cannot act as a producer or distributor, and at the same time purport to represent the consumer. In any case, the voice of the modern consumer movement is the International Organization of Consumer Unions (IOCU), founded in 1960, with organizations from the U.S.A., Britain, Australia, the Netherlands and Belgium. Based in The Hague, the IOCU now comprises organizations in 31 countries, including Spain, Hungary, Japan and Yugoslavia.

Canada shows the way

Canada is the only economically advanced country in the world to have a distinct government department with the word "consumer" in its title. The Minister of Consumer and Corporate Affairs has taken his job seriously, and his Department now commands the respect and envy of consumer organizations throughout the world. It has to its credit a Textile Labelling Act that requires fabrics to be identified with details of their composition and other relevant data.

The Department of Consumer and Corporate Affairs handles consumer complaints. Throughout Canada the address "Box 99, Ottawa" is renowned as being the place to send details of any swindle, deception or disappointment suffered by the shopper. The address is publicized in newspapers, magazines and on TV, as well as on leaflets distributed by the Department for use by Canadian consumers. The man and the woman in the street have, by all reports, responded warmly to the attention of a government department specially designed for them.

Other countries fall short of what is happening in Canada. In Britain, for example, responsibility for consumer affairs at the government level is divided between three separate ministries. Foods are dealt with by the Ministry of Agriculture, Fisheries and Food; the pressures exerted by producers and distributors in the food business are felt there at least as strongly as those exerted by consumers. A similar situation prevails with regard to product safety, which is the responsibility of the Home Office. The Consumer Protection Act, which allows unsafe articles to be banned from shops, was passed 11 years ago, yet there are still only a handful of safety standards. Lastly, the Department of Trade and Industry handles the remainder of consumer affairs—weights and measures, labelling and advertising, credit law, and many other items. As its very title suggests, this body is much more interested in trade and industry, for which it has prime responsibility, than in consumers.

This is where the Canadian experiment is so valuable: it points the way to effective action in all countries. Indeed, at the biennial conference of IOCU in Austria in the summer of 1970, delegates from over 60 consumer organizations in every part of the globe resolved that each would press its government for establishment of a separate ministry at cabinet level exclusively devoted to consumer affairs. So far, none have followed the Canadian lead.

World consumer revolution

The world consumer revolution is a phenomenon attributable to the acquisition by millions of ordinary people of the desire and the means to choose what they will buy with their earnings. In times gone by, all but a tiny minority had to struggle just to survive. Choice was inevitably limited by poverty and the narrow range of goods available to satisfy basic needs. A greater measure of affluence has given millions of people what Peter Goldman, Director of Britain's Consumers' Association, and currently President of IOCU, has called "discretionary purchasing power—the ability to use some of their money for what they would like to have, rather than what they must have." Addressing the Royal Society of Arts in London in 1969, he said: "Mass production, mass distribution, mass credit—these together



information, only a start has yet been made. "Consumerism" is essentially a middle-class movement, wage earners, with less to spend and so more to gain in consumer awareness, have yet to be fully awakened to the possibilities. When they catch on, the consumer revolution will have come to fulfilment. That is the challenge of consumer buying power in the 1970s.

Standards in advertising

In recent years, advertising has been recognized by consumer organizations as the primary area requiring stricter controls. The millions poured out in advertising budgets by producers throughout the world have contrasted ludicrously with the sums spent on consumer information.

The first demand that the consumer makes of an advertisement is that, so far as it states facts, those facts should be truly stated. In Britain the great step forward in this area took place on November 30, 1968, when the Trade Descriptions Act took effect. This law forbids inaccurate statements of fact regarding most of the important features of goods that may be on sale. The responsibility for seeing that descriptions of goods are accurate, rests on both the manufacturer who describes goods in advertising, labelling and elsewhere, and the shop that stocks the product.

The particular virtue of the law is that it is vigorously enforced. Inspectors employed by local councils throughout the country diligently pursue cases of false or misleading advertising and, when such actions are called for, bring offenders to court. Take an actual example. A manufacturer of cosmetics produced a leaflet that claimed that its hair-removing cream was "recently recommended by **Which?**" In fact, **Which?** had found that this particular cream was somewhat less effective than its competitors. **Which?** reported the matter to the local council in the place where the producer carried on business. The result was that the manufacturer of the hair-removing cream was prosecuted in court, convicted and fined £200. Of course, the deceptive leaflet was withdrawn as well.

Second-hand cars

The greatest impact of the Trade Description Act in Britain has been in the second-hand car market. Millions of cases have been brought to court regarding false mileage figures for second-hand cars than for any other single subject. Any buyer of a second-hand car wants to know how many miles the car has done. Often cars

create the mass-consumption society; and after 1953... such a society was seen to be swiftly maturing in Britain. No sooner was this so than it became apparent, as it had earlier become apparent in America, that the position of the consumer, though improving beyond all recognition in absolute terms, was actually worsening relatively to that of the trader."

The press, television and consumer magazines have been instrumental in focusing attention on consumer problems. But in spite of the millions of words produced annually, in one form or another, by way of consumer

officially advertised as having done so many miles. On other occasions, nothing is said by the salesman on the subject, and no advertisement or display notice reveals any mileage figure. All the same, the buyer looks at the dial inside the car, and assumes that the figure on it accurately records the true mileage the car has done. Either way, however, the law may step in, if it is found that the mileage figure is wrong.

It is not necessary to prove that the dealer was himself responsible for winding back the clock, although this, if established, makes the offence that much more serious. What needs to be shown is that the car in fact had at an earlier stage in its career more miles recorded than it did when it was displayed for sale. This can usually be done by tracing a previous owner through the licensing register for cars, and requiring him to tell the truth about what the mileage was when he sold the car. The number of convictions for this kind of offence confirms the impression that the mantle of the horse dealer as supreme trickster and king of the rogues has truly fallen on a certain category of second-hand car dealers.

To a lesser extent, the Trade Descriptions Act also covers services—for example repairs and servicing of equipment, transport and accommodation. Among the worst offenders here are some travel agents specializing in packaged holidays. There have been successful prosecutions for travel brochures containing deceptive pictures of swimming pools not yet built or offering luxury accommodation that turned out to be primitive.

The difficulty in these cases lies in the fact that the 1968 Act makes it necessary to prove that the inaccuracy in the holiday brochure was deliberate—that is, made knowingly, or at least recklessly. This contrasts sharply with the position concerning goods, where the trader is liable for false advertising or labelling, whether or not new of the error or not. (The trader can, however, avoid conviction if he can prove that he took all reasonable steps to prevent the error, or that it was someone else's fault.)

and prices

The Act of 1968 deals also with prices, although not altogether comprehensively. The aim was to prevent false cut-downs—that is, claims that a price reduction applied to a particular product, when in reality there was no reduction at all, or not as much as was claimed. The simplest trick was to have the old (and imaginary) price crossed out, and the supposedly new price substituted for it, thus giving to the shopper the impression



that a bargain was being offered. The vice of spurious price reductions has been largely halted, thanks to the requirements of the new law.

In particular, during the summer and winter sales of stock, a great change has come about. Whereas up to 1968, a proportion of the purported price reductions displayed in a "Great Winter Sale" were often wholly illusory—applied (unknown to the consumer) to sub-standard stock brought in specially for the sale at a low price—now customers can much more readily believe in the claimed price reductions. Indeed, the requirements of the new law are, for all their weaknesses, sufficiently stringent to make it exceptional nowadays to see, at sale time, examples of "double pricing"—that is, the old price crossed out, with the sale price substituted. What is

much more common is a statement like: "Special purchase," or "Not up to our usual quality," with a single price alongside. One dodge that cannot be dealt with under the law is the claim that a product, advertised at a given price, is "worth" a higher figure. There are no standards as yet that can be applied to the question of whether a product is really worth the amount claimed for it.

In the first two years of operation of the 1968 Trade Descriptions Act, hundreds of cases were brought before the courts. But this is not the measure of its success. Much more important is the effect it has had on manufacturing, advertising and retailing practice. A new climate of candour and honesty prevails in trade throughout Britain. For the first time, consumers are beginning to rely on what they read and hear about the products they buy, and a large section of trade and industry are taking considerable pains to make the descriptions they give to their products as accurate as possible.

Accuracy of information is not, however, enough. What is stated may be wholly truthful, as far as it goes, and still not contain the information most critical to the consumer in making a choice between competing products. Manufacturers are, as a rule, robustly reluctant to display openly and without compulsion essential data about the composition, performance and safety of the things they sell. The public is conditioned to vague puffs: "Washes whitest of all," "For super performance," for example. As a result, people do not expect to find on packaging and in advertising the details that are really relevant to choice.

Even in so crucial a matter as quantity, there is painfully little helpful information given. **Consumer organizations in several countries are therefore campaigning for compulsory display on consumer goods of the cost per unit of measure of the goods on sale;** this they call, for short, "unit pricing." If the practice of stating unit price were universal, housewives would find it much easier to compare prices effectively, brand for brand. Take laundry soaps. In Britain, the only legal requirement is that the packets should state on the outside the quantity by weight of the soaps inside. Some people argue that this should be the volume rather than the weight; and yet others contend that the quantity of active washing ingredients is what is needed. But these arguments, valid in many cases, should follow the introduction of unit pricing, and are not in the least a reason for delaying its introduction.

Because there is no legal requirement about pack size, or quantity of soaps, for example, the customer is bewildered by a variety of packages all filled differently. In each case, the weight of contents is given on the label—26 oz. perhaps, or 17 oz. But the housewife has time to figure out the per-ounce cost. True, the small package of Brand X may cost less than the small package of Brand Y, but that is not what the housewife needs to know. What she needs to know is the unit price. This information is not generally provided, so the housewife acts on hunch and inclination, and hopes for the best. But if, on Brand X, there was a display card saying "Unit price: 30 cents per lb." and on Brand Y "Cost per lb., 33 cents," she would know which was cheaper.

The scope of unit pricing

Unit pricing could be made to apply to thousands of items on sale in food shops. In Britain, the problem is not so pressing as in other countries, because staple foods are in fact covered by a law that requires tea, coffee, sugar, rice, flour and several other common foods to be packaged only in special quantities or multiples of one pound. In this way, it is, in effect, already illegal to sell competing packages, looking more or less the same size, to contain marginally different quantities. The housewife compares like with like, and knows where to go.

There is no doubt that packing to specified quantities is the best form of unit pricing. The problem arises where practical considerations may make it difficult to pack commodities in standard quantities. Laundry soaps fall into this category; so do biscuits, toothpaste and cosmetics. For these problem cases, unit pricing can be achieved by giving manufacturers an alternative: either they must pack in standard quantities or they must be displayed at the shop the cost per unit. In this way, the housewife would be in a position to compare prices for corresponding quantities without the slightest difficulty.

This option system operates in the Federal Republic of Germany, and is effective. In the long run, consumer campaigners hope to see the concept of unit pricing extended to a complete range of consumer goods, where quantity is relevant to purchase: wallpaper, paper plates, kitchen and toilet rolls, and other paper products, cooking oils, paint, string, carpets, any other floor coverings, and many more.

the U.S., considerable progress has been made in unit pricing, both in the field of legislation and voluntary adoption of the principle. Supermarkets in U.S. are beginning to make a virtue of displaying tags with competing commodities listed with price and unit price. Most consumer commentators agree, however, that in the long run, unit pricing will be achieved only by compulsion through legislation.

Information needed

There are many other important areas in which information is needed by the consumer. In the case of foods, for instance, most advanced countries have complicated far-reaching laws about composition and labelling. There is constant pressure for these rules to be reviewed and tightened up. With Britain entering the European Common Market, efforts are now being directed toward harmonization of food standards. Governments and manufacturing interests have been more energetic in striving for similar standards than have consumer organizations in the countries concerned. Nevertheless, efforts are now being made to set up effective consumer representation on a supranational basis to negotiate protocols on trading standards throughout the European Economic Community of the future.



Meanwhile, consumer probing has moved more and more into the area of services. The woes of tourists misled by the promises of holiday brochures have now become a matter of acute concern; and a close look has been taken at the ministrations of certain car mechanics. The cost of borrowing money, and other aspects of credit law and practice, have also assumed great importance in recent years. Consumers are beginning to realize that it often pays the trader to sell goods and services on credit, and that his profits from what is, in effect, money-lending can far exceed the margins that would prevail if he were selling only for cash.

In Britain, a government committee spent two and a half years investigating consumer credit. Its report, published in March 1971, calls for such far-reaching reforms as: compulsory disclosure of true rates of interest; rationalization and harmonization of different forms of credit, and the appointment of a Consumer Credit Commissioner to supervise the industry. It may be years before the committee's recommendations are fully implemented, but they reveal at least an awareness of the extent of the problem.

There is, in fact, hardly an aspect of daily life in which a citizen does not fulfil the role of a consumer. So long as there is money in the pocket to be spent, so is there a consumer problem, either an obvious one, or one that is lurking just beneath the surface.

Governments have more than once yielded to the protests of powerful lobbies when the consumer cause was pleaded. This happens less than it used to, but much remains to be done. The political and market forces of the producer side are still extraordinarily strong, and the co-ordinated forces of consumers are still comparatively weak. But reforms are trickling through, and consumer organizations are vigilant and flourishing, in the manner of trade unions a generation ago. The age of the consumer may well be at hand.

(The above article was taken from the **ILO Panorama**, No. 49, fourth quarter, 1971. The opinions expressed in it are those of the author, and do not necessarily reflect the views or policies of the Canada Department of Labour.)

Legal humanism: one code of justice for all

"There is a need for a continuing and searching criticism and analysis of our courts and our legal system," claims Finance Minister John Turner. Speaking to the Council of the Canadian Bar Association at Montebello, Québec, the former justice minister declared that: confidence in the system must be re-established; delay and inefficiency must be remedied; laws and courts must be responsive to the personal problems of Canadians; and the idea that there is one "code of justice for the rich and another one for the poor" must be dissipated.

It is the poor who suffer most, Turner emphasized. It is they who are victimized when urban renewal arbitrarily disrupts a neighbourhood. "It is the poor who are hurt when the collectors garnishee wages. It is the poor who suffer when welfare agencies deny or terminate welfare

benefits on vague, inarticulated or clearly illegal grounds." Too often, the poor see the law not as a friend but as an enemy, not as a help but as an obstacle.

Turner congratulated the legal profession in Canada for the many positive steps it has taken, especially in the field of legal aid. "Too often the profession is asked to answer for a criticism that should, in fairness, be directed to the legislator."

The emphasis in the future must be on preventive law, Turner declared. As in preventive medicine, **"we should seek out the causes of a social ill, and treat the problem early before it becomes a cancerous growth that results in serious consequences.** How much easier it is to deal with a landlord-tenant problem than to sort out responsibility for physical violence that may erupt when a tenant has no other means of recourse."



Turner

er went on to outline his objectives while he was
ce Minister: They were: To develop a more huma-
c criminal law; to promote equality of access and
ment before the law for rich and poor, young and
to redress the imbalance in the relationship be-
n the individual and the state, with particular em-
is on the administrative process; and to harness
nology in the service of the law, and to investigate
interaction between a technology that was becoming
dominant force in our society and the social ills that
resulting.

h the help of some very dedicated officials in the
artment of Justice, and with the co-operation of
y members of the Canadian Bar Association, I be-
that some progress has been made," Turner con-
ed. He cited the changes in the criminal code, the

Bail Reform Act, the bill on electronic surveillance, and
the second omnibus criminal code reform bill as exam-
ples of reform.

As well, the Expropriation Act, the Federal Court Act,
the Statutory Instrument Act, and the Tax Review
Board Act "will make it easier for the average citizen to
deal with his government. No longer are the odds
weighted as heavily in favour of the government and its
administrative agencies; citizen and state are now on a
more equal footing before the judicial process."

There is a dilemma facing the law and the legal profes-
sion, Turner noted. "There is a general belief that, for
every social ill, there must be a remedy in the law. If one
cannot be found, there is disillusionment based upon the
gap between the expectation that individuals have of le-
gal institutions and their ability to deliver a remedy.
Law is seen as the saviour and the redeemer—every so-
cial ill can be cured by finding the right legal authority
and the right court.

"If a man is poor, there must be a law that will result in
his being lifted from poverty; if the environment is
threatened, there must be a law that will stop the pollu-
ter; if violence or terrorism disturbs our security, there
must be a law that will restore the calm and tranquility
that was enjoyed in less turbulent times past. But we
must not be deluded. We must not accept simplistic so-
lutions. Those who believe that all of our social prob-
lems can be solved through the law fail to see the un-
derlying causes, fail to recognize the magnitude and
complexity of the issues before us.

**"Poverty is an economic and social issue, not at base a
legal one.** Pollution and the environmental crisis give
lawyers some fascinating arguments, but the root issue
is really about how many dollars the average citizen
and consumer is willing to pay for clean air and water.
The legal framework that surrounds many current so-
cial problems should not act as a cocoon that prevents
us from seeing and solving the underlying causative
factors."

Turner concluded his address by saying that the law
and the legal profession must work toward a better defi-
nition of their role in society. "We must move from our
exclusive preserves and the characterization of prob-
lems they engender to a broader base of criteria and un-
derstanding. Only then can we hope to foster a genuine
tolerance for the new; only then can we hope to bring
about a real advance in social consciousness."



An unenviable record

High unemployment, idle plants and machines, poverty, and a shortage of reasonably priced houses were the social and economic ills cited in a brief presented to the Government by the Canadian Labour Congress on March 6. Not unexpectedly, the greater part of the submission was devoted to unemployment. Calling 1971 "a year of disaster," the CLC singled out in particular the Atlantic Provinces and Québec, where unemployment was 34 per cent and 28 per cent higher than the national average.

"Your attention is also drawn to the plight of young Canadians, who are in a group where unemployment rates continued to be astronomically high, reaching a postwar peak of 11.5 per cent of those under 25 years of age," the brief stated. "During 1971, when the monthly aver-

age of unemployed totalled 552,000, 40 per cent (219,000) were unemployed over a period of four or more months." The Congress said that this was "an incredible phenomena that is rarely reported in the news media."

The brief stated that Canada has earned an unenviable record of having a higher level of unemployment during the past five years than other advanced industrial countries such as the United Kingdom, France, Italy, West Germany, Sweden, Japan and even, until recently, the United States. The reason for this, the CLC suggested, is that these countries have given top priority to full employment policies.

"In spite of a slight improvement in the seasonally adjusted unemployment rate over the last several months, the salient fact is that the current high level of unemployment continues to stem from the brutal and callous

ies implemented several years ago . . . Recent government statements attempting to explain the cause of unemployment problem completely lack any credibility." The overall participation rate for 1971 was 56.1 per cent, the CLC said, only very slightly above the 55.8 per cent registered in the previous year. The female participation rate in Canada is still considerably lower than most other comparable countries, and, at the same time, male participation rates have gradually declined over the years, from 85.1 per cent in 1946 to 76.1 per cent in 1971.

The CLC also reject the highly publicized statement that there are plenty of unfilled job vacancies that unemployed workers could fill if they so desired. The suggestion that if the unemployed were willing to accept a job for \$1.75 an hour instead of \$3.00, or if they were willing to move to another part of the country, they would get employment, can only be described as a gross comment. It illustrates very little, if any, understanding or knowledge of labour markets across the country." The CLC pointed out that a statement by the Department of Manpower and Immigration had estimated that the total job vacancies, including temporary and part-time, were about 44,300, whereas more than 100,000 Canadians were unemployed.

"Any Canadian families will continue to suffer because of past policies," the brief declared, "probably the most inept, ill-advised and inhuman policies ever thrust upon any nation in modern times. Knowing that this country for years has had a much more rapidly expanding labour force than any other advanced industrial nation, your Government nevertheless persisted over a long period of time in pursuing the kind of policies which seemingly ignored this important labour force."

The 18,000-word submission urged an all-out governmental effort to promote full employment. It asked that the present rate of expansion not be held back because of unnecessary fears over price increases. The only criterion to observe was that they did not exceed, over a prolonged period, the rate of price increases in the principal countries with which Canada trades. With the economy still operating well below potential, excess aggregate demand was not a problem, the brief stated.

Canadians under income security programs, the CLC affirmed, should be fully protected against inflation. These recipients should not have to suffer an erosion of their purchasing power because of price in-

creases. "To date, your Government has refused to provide this protection. We now request you to incorporate in all federal income programs an escalation provision that would reflect increases in the consumer price index."

The CLC expressed concern that strong forces in the United States, including some within the trade union movement, were pushing hard to get the Hartke-Burke Bill through Congress. This would impose a restrictive quota on United States imports, including those from Canada.

Concerning the Canada-United States Automotive Agreement, the Government was urged to maintain the key safeguards of the 1965 pact. "We also urge you, again in the interests of protecting employment of Canadians in the auto industry, not to make any concession with respect to reported demands that the United States is insisting that individual Canadians be allowed to import new and used cars duty-free from the United States. The acceptance of such a policy might well weaken, if not destroy, our auto industry at its present stage of development."

The CLC said also that whereas it had previously welcomed the new Unemployment Insurance Act, some of its serious defects were beginning to show. Greatest dissatisfaction centred on the regulation that decreed that severance pay, vacation pay, and other monies received at the time of separation from employment had to be allocated as earnings before one was considered eligible for insurance. "This policy leads us to the conclusion that your Government intends to apply the means test philosophy to unemployment insurance, as it has done to other social legislation." Criticism was also directed at government action in depriving old age pensioners of the two-per-cent escalation clause. The CLC wanted this clause restored and increased to a figure more closely related to the cost of living index. The brief asked also that the pension be increased to \$100 a month and the age of eligibility lowered to 60 years.

The brief upbraided the Government for its present austerity drive to curb inflation, stating that the working poor were its first victims. The CLC said that it had long supported the idea of a guaranteed annual income but it disagreed with the Senate Committee's suggestion that the guarantee be only 70 per cent of the established poverty line. It pointed to the "disproportionate level of



unemployment" among Indians and Metis, stating that it "may be over 50 per cent in summer and 80 per cent in winter."

The CLC renewed its request for a modification of the Fair Wages and Hours of Labour Act "to extend the scope of what are recognized as proper wage standards." It asked that these not be restricted to the specific hourly rate, but should include fringe benefits.

The CLC strongly commended the Government for introducing proposals in Bill C-253, An Act to Amend the Canada Labour Code, that would give workers the right to bargain collectively on matters related to the economic and social effects of technological change. Under attack, however, was the section of the proposed Canada Labour Code limiting picketing rights of union members under federal jurisdiction. To restrict the right to protest to a selected group of workers would constitute discrimination of the rankest type, the brief stated.

"The subject of collective bargaining in the federal public service is very much in the news as of late, and recent events have served to remind us of the deficiencies in

the Public Service Staff Relations Act as it is presently constituted. The inadequacy of this Act is leading to unnecessarily drawn-out bargaining procedures between the federal Government and its employees, which, in turn, are creating serious problems," the brief declared. "We would hope that when the Bryden Committee recommendations are made known, they will lead to changes in the Act that will, in turn, allow improvements to be made in the climate of collective bargaining in the Public Service of Canada."

Anxiety was expressed over proposed changes in the structure of the Canada Labour Relations Board. The CLC had urged in a separate brief to the Government on Bill C-253 (LG, Feb., p. 74) that the tripartite nature of the Board be preserved.

Turning to the housing situation, the CLC said in its summary: "You will find that we express pleasure at a number of improvements, but, despite the encouraging increase in the production of public and other forms

income housing units during the past three years, number of families condemned to live in substandard housing is still appalling." With land costs continuing to be a major and increasingly costly component of housing, the brief added, there is more need than ever for a public program to acquire ownership of urban land, hold it in perpetuity and lease it. "We also again point out the possibilities of an expanded program of cooperative housing."

Government's reply

Our Minister Martin O'Connell attempted to allay public fears concerning Bill C-253, saying that the successor Bill C-253 was in an advanced stage (see p. 275). Doubtless a major interest hinges on those sections dealing with technological change, and I want to reiterate the Government's commitment to the proposal that technological change and its impact on employees is a fact subject for collective bargaining," the Minister declared. "If we have an interest in seeing that the Canadian economy is unsurpassed by any, that we're right in the front of a modern, sophisticated economy, and this means absorbing technological change at a rapid pace. In addition to that, an era of explosive technological change, and we want to build a legislative framework around it, as far as industrial relations is concerned, to cushion the impact of change on employment and regulate the technological change as much as possible in the bargaining process."

He promised that the Canada Labour Relations Board would not be turned into a rigid court, and that there would be consultations with respect to appointments to the Board. Management and labour, he believes, have matured in their relationships that something in the nature of a public board will be acceptable and prove to be successful. He assured the CLC that the Government would not have strong commitments to the sections in the bill on picketing, and "you may not see them again in the new Bill."

The CLC wanted fringe benefits included in federal labour laws, and the Minister said that this matter was under consideration. Referring to the Fair Wages and Hours of Labour Act, the Minister observed: "I

know how anxious you are to see a preamble in the Act and I know that you feel that organized labour in Canada has reached that level of acceptance that it ought to be recognized in a major federal statute. We trust that you will not be disappointed in that aspiration."

O'Connell told the CLC that the Government's top priority was the unemployment situation. "Please don't say that we're not concerned about unemployment." The Minister urged the CLC to believe that the Government was not taking a short-term ad hoc approach to youth programs and the employment needs of the native peoples. **"Look beyond appearances and see that the Government is trying to find new ways to employ people. You surely can appreciate the growth rates in this economy. No other country faces them.** We added more people in 15 years than were added to the labour forces of Great Britain, West Germany and Italy combined, and we shouldn't hide from this fact," he said.

Finance Minister John Turner said that there should be a job for every Canadian who seeks work, adding that the present level of unemployment is totally unacceptable. "Our most urgent and pressing task is to reduce substantially the level of unemployment without eroding the real incomes of working Canadians. I believe that we have already achieved in Canada a rate of new job creation that exceeds that, and handsomely, of any industrialized country in the world. At the same time we have an increase in the labour force in Canada that also exceeds that of any other industrialized country in the world." It is because of this equation that we are still experiencing unacceptable levels of unemployment, he said. "I believe that the remedy to this situation clearly lies in the maintenance of rates of real growth, which exceed the long-term trend level. I am happy to recognize that we have now achieved five successive quarters in which the rate of expansion in this country has exceeded that long-term needed projected growth."

Present policies, he continued, have been designed to cause the economy to continue to expand at a rate which will reduce unemployment. "In the mandate that the Prime Minister has now given me, I'll be looking at policies that stimulate economic growth but stimulate that growth in a way that will promote employment. From time to time we may disagree with the methods, but I hope that type of growth can bite into the currently unacceptable rate of unemployment."

Health and Welfare Minister John Munro commended the CLC for its help in developing a more adequate incomes security system and more adequate redistribution policies. "I would be interested in getting together with

the CLC, however, to see how you would reconcile the advocacy of a \$100 universal payment to our senior citizens and at the same time endorse the concept of a guaranteed annual income. To me the two views cannot be reconciled," he said. "If you pay \$100 to all our senior citizens irrespective of need, it would cost \$415 million a year. Raising it to \$100 for those who really need it is still not adequate. So you must be advocating some type of recovery (through the income tax system). If you are, then you're back to a guaranteed annual income, but you're setting a recommended level of \$100, which we are prepared to acknowledge is inadequate." People resent an added tax burden for social services, the Minister said, adding that if they implemented many of the other suggestions made by the CLC, it would cost many more hundreds of millions. There was now in the offing a controversial piece of legislation called The Family Incomes Security Payments Program that would go to those in the workforce with a marginal income and would cost taxpayers in the neighbourhood of \$800 million a year. **"We would welcome overt support from the labour movement toward the passage of this Bill."**

Speaking on behalf of Manpower Minister Bryce Mackasey, Parliamentary Secretary Ray Perrault drew attention to page 29 of the brief concerning Regulation 173 of the new Unemployment Insurance Act governing severance pay. "As you know, there are new concepts in the law, particularly with reference to the interruption of earnings, and the fact that rates of benefits are raised substantially," Perrault said. "To ignore the monies as requested by Congress would result in a situation where for a period following separation, an employee would receive the equivalent of his normal wage, in addition to unemployment insurance equalling 66½ per cent of his normal insurable earnings. The purpose of severance pay duplicates that of unemployment insurance in that it is paid to enable the displaced worker to maintain himself while seeking new employment." The Parliamentary Secretary assured the CLC, however, that their views were being reviewed very carefully, especially their belief that special employment circumstances required special regulations.

"As far as the reference to payment during periods of sickness is concerned, to our knowledge these plans have always been negotiated between employers and employee representatives, and such arrangements are in no way encouraged by the Commission or by the legis-

lation," Perrault said. "With reference to the two-week waiting period, we're concerned about the possible prohibitive costs that could possibly preclude the payment at the rates of benefit now provided and could make impossible to pay the special benefits introduced by the 1971 Act."

The CLC had also voiced its disapproval of the delay in unemployment insurance payments. "In answer to the question you might be interested to know that **88 per cent of unemployment insurance claims are proceeding on schedule, 12 per cent were held up for further examination, and of this number, only 2 per cent were delayed through an error made by the Commission.** This is not good enough, we're trying to improve the record, but it's not a bad batting average."

External Affairs Minister Mitchell Sharp praised the CLC for dealing in "a very realistic way with the Canadian situation and foreign policy," but he wanted to correct one quite misleading impression the document had created. The brief stated that although the Government had pledged a total allocation of 1 per cent of the GNP for foreign aid, it had reached only approximately 50 per cent of that objective. "The percentage is actually .78 per cent," Mr. Sharp said. "We have made very substantial progress and I think that you and we share the desire to increase our contribution to the development of the world."

Minister of Corporate and Consumer Affairs Robert Andras said that he welcomed the reference in the brief to the Competition Bill. "I assure you that the revised Bill will be forthcoming," he said. "My predecessor tabled a draft Bill in the House in the last session stating quite clearly that he did not intend to proceed further and that the purpose was to permit wide distribution of the published Bill to invite response." To date, there have been more than 300 formal briefs and thousands of letters about the Bill. All of the recommendations are being analyzed and digested, the Minister said, and arrangements were being made for consultation with the provincial Governments and other interested parties.

Speaking on behalf of the Minister of Industry, Trade and Commerce, Parliamentary Secretary Bruce Howard told the CLC that the Government was still negotiating



the U.S. on the Auto Pact. "We do not intend to gain away employment opportunities that are very important to Canada," he said, "but don't ask us to hang our heads in conditions in that agreement that don't mean anything. We are concerned with the most important thing and that is the maintenance of employment in Canada."

CLC representation was "on the same wavelength" regarding the number of new housing units needed, said Urban Affairs Minister Ronald Basford. He called in terms of numbers for 250,000 housing units

this year. There is absolutely no doubt in my mind that over the period 1970-74 we will match or surpass the target of a million housing units for Canada." The Government also wanted easier access to housing for low-income groups such as senior citizens, the Metis or Indian people. "Those objectives and concerns are ours," he said. "I would like to respond in writing to your submissions. Your comments are timely and we look forward to pursuing them."

Long-term planning needed

Welcoming government action to create short-term employment, the Canadian Railway Labour Association in its brief to the Government on March 6 urged the Government to attack the problem on a long-term basis. While using monetary and fiscal measures, the Government should continue to expand foreign markets for Canadian products. To do so, the CRLA urged the Government to investigate the possibility of Canada developing relations with one or more of the new trading blocks in the world. The one area they see as offering the greatest possibilities is the Far East. Another supplement to the monetary and fiscal policies would be to promote the investment in new and more efficient capital equipment by Canadian firms with priority given to equipment made in Canada. The above policies should be coupled with an active, long-run labour market policy and an "efficiently administered manpower policy."

The Association rejected the use of guidelines or wage and price controls. These policies deal with the symptoms of inflation rather than the problem. And a policy to control only certain segments of the economy ignores the issue of equity. "We maintain that, as far as possible, all laws and policies of a Canadian Government should be equitable to all segments of Canadian society. The adoption of a policy of guidelines would seriously undermine that principle."

A universal guaranteed annual income based upon the negative income tax principle was endorsed by the Association. The actual income guaranteed originally would be small and would be gradually raised. The income would "serve as an incentive for low-income persons to attempt to increase their incomes and better their standards of living." With incentives built into the program, the total amount of income tax revenues would rise, thus reducing the total cost of the program. And such a program, by replacing many current welfare programs, would simplify and reduce the administrative costs of governments.

The Association voiced strong support for the basic principles of Bill C-253 introduced in the last session of Parliament. The new Bill was introduced recently (see page

275.) The original Bill, said the CRLA, was a positive step by the Government to provide innovative leadership in the field of industrial relations. "It will not only improve current employer-employee relations, but also establish a rational approach to the solution of future problems in this area, especially with regard to technological change." Several changes, however, were asked for by the Association, one of them being that expression of support for the principle of free collective bargaining be included in the Bill.

The National Transportation Policy does not go far enough toward meeting the needs of the Canadian public. The policy "should be directed, for example, toward the fullest use possible of Canadian transportation facilities in the movement of our natural resources to the points from which they will be exported. Such issues, the Association declared, should be dealt with on a national level, and not left with a provincial regulatory body or a provincial government.

Economic viability is not a proper criterion for determining railway passenger transportation needs. Economic criteria, said the Association, are important but should not be the overriding consideration in all cases. The National Transportation Act conflicts with current policy in two ways. The elimination of rail passenger service restricts the "public's ability to choose among different modes of transportation . . . and promotes the increased use of automobiles at the same time as the public at various levels of government are becoming concerned about the increasing costs of pollution, congestion, etc."

The Association urged the continuation of tolls on the St. Lawrence Seaway. "We do recommend that the tolls to be charged should be of discriminatory nature, being in favour of Canadian and United States flagships and against foreign flagships."

The Association commended the Government on the enactment of new unemployment insurance legislation. It did, however, express concern about the administration of the new Act and suggested several amendments to the Act: that the number of weeks of sickness benefits not be deducted from the number of weeks of UIC lay-off benefit to which an employee may be entitled; that union members not be disqualified from benefits unless it can be shown that they are directly involved in a work stoppage; and that the refusal to cross a picket line not disqualify a worker from benefits.

Despite the building of 230,000 housing units in 1979, "there is a critical housing shortage for the less affluent members of our society." More than half of the sta-



year were for rent, not for sale. And less than 16 per cent of all new houses for sale in 1970 were priced under \$20,000—the average was \$28,614—“and fewer than 10 per cent of Canadians can afford homes of that price.” To alleviate the problem, says the Association, are the creation of municipal land assembly projects to cut land costs; the shifting of education costs to municipalities; the earmarking of more mortgage money for low-cost housing; and the maintenance of housing through home-improvement loans.

On health care, the Association reiterated its call for the strengthening of dental care, prescription drugs and optical services to the existing medical plans. The Association also called for the establishment of more community health centres.

On pensions, the Association asked for an amendment to the Pension Benefits Standards Act requiring an independent representative of unionized employees to be involved in the administration of pension trust funds and full disclosure of the financial aspects of private pension plans for use by unions during negotiations with their employers. The Association called also for early retirement benefits starting at age 60 under the Canada Pension Plan. And they asked that a minimum escalator clause be required for all pension plans and that the 2 per cent ceiling on adjustments to earnings under the Canada Pension plan be removed and equal the increase in the cost of living as shown by the Consumer Price Index.

On pollution, the Association recommended standards for the operation of railway locomotives to govern exhaust emissions and noise levels and to govern mechanical conditions of internal combustion power plants used by railway companies. Forms of co-operative assistance from the federal Government should be available to all provinces to combat pollution, it said.

Government's reply

Transport Minister Don Jamieson commended the Association for its enviable record of mature negotiations. He said that the National Transportation Act, which had come into effect in 1967, was a mammoth piece of legislation and it had taken some time to understand its principle, to see if it was the most appropriate form of legislation. “I have been in touch with the Canadian Transport Commission,” the Minister said, “and the future of railways is bright. There will be no diminution of rail transport over the next decade or two. Complementary modes of travel are developing but rail is still basic and most economical for a wide variety of goods. There will possibly be an extension of rail services. It is most important for bringing out raw materials from the western regions.”

The Minister said that the Government was conscious of the necessity to modernize. “Although there has been a steady decline in the use of rail passenger service, I

don't believe that the passenger train is going to go out of existence." Seventy per cent of all transport is by private automobile, with 30 per cent shared by air, bus and rail, Jamieson said. The emphasis today was on the relatively short haul, rapid transit within 40 to 50 miles. "This doesn't mean that the longer haul services are going to be eliminated entirely," the Minister stated. "We just have to see if they can be more self-supporting, and how we can narrow our losses. Perhaps a night on the train should be equivalent in cost to a night at a hotel."

Veterans Affairs Minister Arthur Laing told CRLA representatives that the Canadian Labour Congress had upbraided the Government for not laying a heavier tax on oil and mining companies. "Half of all resources lie north of Latitude 60," the Minister stated. "Oil could bring \$30 million a year in the Arctic, so the days of railway building are not over. The Arctic is the second best place in the world to hunt for oil."

Parliamentary Secretary Ray Perrault said there had been a dramatic decline in the number of protests over the delay in unemployment insurance cheques. "The UIC is processing 600,000 cheques every two weeks," he said. It's a very substantial pay-out. Probably the most comprehensive insurance program in the world."

Perrault said that the unemployment form is now in its sixth revision. One source of delay could be attributed to incomplete records kept by the employer. "The Commission is constantly reviewing its system," he said. "We have a standing committee that will review procedures and try to improve the system." Perrault pointed out that there were two levels of appeal for disgruntled UI appellants, the Board of Referees and the Umpire. Of the 41 decisions that went to the Umpire during 1970, 25 were disallowed and 16 were allowed.

Labour Minister Martin O'Connell said that CRLA sentiments on pollution and wage and price controls are "shared by all of us." The Minister stated that he had taken note of the association's interest in pensions, particularly in respect to the Pension Benefits Act.

The Fair Employment Practices Bill, he said, will go into effect, marital status and age. "ILO Convention No. 8 covering the right to be represented by a union of your choice, has now been supported by all 10 provinces. We are now in the advanced stage of ratifying that." Convention 100 concerning equal remuneration for work of equal value is half way through being ratified, he said.

Labour legislation in 1970-71

Part 5: Human rights

Important changes were made during the year in the human rights legislation of New Brunswick, Nova Scotia and Alberta. Ontario passed four Acts based on the recommendations of the McRuer Royal Commission Inquiry into Civil Rights. Nova Scotia also enacted an Ombudsman Act, similar in principle to, but somewhat broader in scope than, the existing five Acts. The Newfoundland Human Rights Code, 1969, was proclaimed in force on March 3, 1971.

The New Brunswick Human Rights Act was extensively revised and re-enacted as the Human Rights Code, effective October 1, 1971. The application of the Act and the

grounds on which discrimination is prohibited were broadened and the Human Rights Commission was given some new functions and powers.

As before, the Act forbids discrimination on the grounds of race, colour, religion, national origin, ancestry or place of origin, in employment (by employer and employment agencies, and in job advertisements and application forms), trade union membership, public accommodation and the renting of dwelling units, and advertisements and signs. In addition, discrimination on the basis of sex is now prohibited in all areas covered

Code with the exception of renting, public accommodation and sign display.

prohibitions are now expressed in more general terms forbidding discrimination because of race and sex, for example, without referring to the race and sex of a particular person or class of persons. Under the new Code, an employer's organization, as well as an employer or other person acting on his behalf, must comply with the provision respecting discrimination in employment.

Areas in which discrimination is prohibited have been extended to include membership in employers' organizations and in professional, business and trade associations, where such associations control the entry to the practice of any occupation, calling, business or profession. Statutory provisions restricting membership in professional business and trade associations to Canadian citizens or British subjects are not to be affected.

Discrimination is also forbidden with respect to the manner in which public accommodation is provided, in the renting of commercial units, and in the sale of property. No person may impose or enforce any discriminatory term or condition in any conveyance, instrument or contract that restricts the right of any person or class of persons with respect to property.

Domestic servants in private homes, non-profit organizations, and organizations operated primarily to foster the welfare of a religious or ethnic group are no longer excluded from the Act. In the areas concerning employment, services of employment agencies, membership in trade unions or employers' organizations, the use of application forms, the publication of advertisements and inquiries regarding employment, a limitation, specification or preference on the basis of race, colour, religion, national origin, ancestry, place of origin or sex does not constitute discrimination if it is based on a bona fide occupational qualification. Previously, this saving clause applied only to inquiries concerning employment.

The Human Rights Commission has additional functions and authority under the new legislation. Its powers of inspection are given in detail. The Commission may approve programs designed to promote the welfare of a class of persons. It may at any time make inquiries concerning the program, vary or impose conditions on its withdrawal approval of the program. An approved program does not constitute a violation of the Act.

The Commission was given authority to dismiss at any time a complaint which, in its opinion, is without merit. Power to issue orders giving effect to the recommendations of a board of inquiry rests solely with the Commission. The earlier statute conferred this power on both the Commission and the Minister of Labour.

Amendments to the Nova Scotia Human Rights Act, which became effective on April 8, 1971, provide further safeguards against discrimination. The Act prohibits discrimination in public accommodation, rental practices, sale of property and covenants, employment (including employment agencies, advertisements and application forms), membership in trade unions or professional and business associations, and advertisements and signs on the grounds of race, religion, creed, colour or ethnic or national origin.

The provision governing discrimination in employment is broadened by directing the prohibition to include "any person," rather than just the employer. "Person" is defined in the Act to include an employer, employers' organization or a professional, business or trade association, whether acting directly or indirectly, alone or with another, or by the interposition of another.

Under the Act, an employment agency must not accept discriminatory inquiries from employees or job seekers, and the use of discriminatory application forms, advertisements or inquiries in connection with employment is prohibited. These prohibitions were reworded to refer to an inquiry that "directly or indirectly expresses any limitation, specification or preference or invites information as to race, religion, creed, colour or ethnic or national origin." The employment agency itself is forbidden to practice discrimination.

The exemption from the employment provisions of non-profit organizations operated for the welfare of a religious or ethnic group, is limited to dealings between the organization and members of the same religious or ethnic group. The exemption is now further limited to situations where religion, creed, colour or ethnic or national origin is a reasonable occupational qualification.

The prohibition of discrimination in connection with renting—including the terms and conditions of occupancy—has been extended, with one exception, to include all housing units where rental accommodation is provided. The provision does not apply in a case where one room is rented in a house occupied by the landlord

or his family and the room is not advertised in any way. Previously, the Act covered houses and apartments and units such as boarding or rooming houses used exclusively to provide rental accommodation.

A new section forbids discrimination because of association with minority groups—"discrimination against any individual or class of individuals in any manner prescribed by this Act because of the race, religion, creed, colour or ethnic or national origin of any person or persons with whom the individual or class of individuals associates." The Acts of several other provinces contain similar provisions but they are expressed more indirectly and are usually limited in application to public accommodation or rental practices.

The Human Rights Commission is now authorized to obtain an order from the Supreme Court directing compliance by any person who refuses to furnish information or to permit entry to premises as required by the legislation.

The Alberta Human Rights Act was amended, effective July 1, 1971, to add sex, marital status and age (40 to 65 years) to the grounds on which discrimination in hiring and conditions of employment in trade union membership is forbidden. In addition, discrimination based on sex is prohibited in connection with public accommodation and rental practices. The prohibition in the employment area with respect to age does not affect bona fide retirement or pension plans.

This Alberta amendment brings to seven the number of provinces that forbid discrimination in employment and trade union membership on grounds of sex. The other provinces are British Columbia, Manitoba, Newfoundland, Ontario, Québec and New Brunswick. Age is also a prohibited ground for discrimination in British Columbia, Ontario and Newfoundland.

Ontario passed four Acts incorporating recommendations of the McRuer Report—the Statutory Powers Procedure Act, the Judicial Review Procedure Act, the Public Inquiries Act and the Civil Rights Statute Law Amendment Act. This legislation is intended to protect the rights of individuals that are affected by decisions of government boards and tribunals. All four Acts are now proclaimed in force. Among other matters, the last Act provides for uniform procedures under the Ontario Human Rights Act, the Age Discrimination Act and The Women's Equal Employment Opportunity Act.

Any person who has reasonable grounds for believing that the Human Rights Code or the Age Discrimination Act has been contravened may now file a complaint with the Human Rights Commission. The Commission may refuse to consider a complaint unless consent is obtained from the person actually discriminated against. Formerly, only the aggrieved person could register a complaint. Similar provisions are contained in the Women's Employment Opportunity Act regarding complaints to the Women's Bureau.

Under all three Acts where an initial informal inquiry fails to settle the complaint, the matter may be referred to a board of inquiry. The powers of the initial investigator are outlined in detail and the powers of the boards are changed. Board members must not have taken any part in any previous investigation or consideration of the complaint and must act impartially, giving all parties full opportunity to participate in the proceedings. The board now has exclusive jurisdiction to decide whether the anti-discrimination provisions have been contravened and to issue orders requiring compliance. A board order may be appealed to the Supreme Court. Previously, under the Code and the Age Discrimination Act, the board could only make recommendations, which could be implemented in an order from the Minister of Labour.



Price indexes

sumer, February, 1972

consumer price index (1961 = 100) increased 0.4 per cent to 137.3 in February from 136.7 in January. In February 1971 it stood at 130.9. The food index advanced 0.9 per cent. Other components registering increases were housing 0.3 per cent; recreation and reading 1.2 per cent; and health and personal care 0.6 per cent. The clothing index declined 0.3 per cent; tobacco and alcohol 0.1 per cent; and the transportation index was unchanged.

The food index rose 0.9 per cent to 137.6 from 136.4, which was 0.9 per cent higher than a year ago. The housing index advanced 0.3 per cent to 140.9 from 140.5, as a result of a 0.5 per cent increase in shelter prices. The index was 4.8 per cent higher than in February 1971. The clothing index decreased 0.3 per cent to 129.8 from 130.2, mainly because of seasonal sales on a number of items. Since February 1971 it has advanced 3.1 per cent. The transportation index was unchanged from its January level of 132.3 despite higher bus fares in Newfoundland and some increased rail fares. In the 12 months to February 1972, train fares advanced more than 20 per cent, and the transportation index increased 20 per cent. The health and personal care index rose 0.6 per cent to 147.2 from 146.3 because of increases of 0.6 per cent and 0.6 per cent in the personal care and health care components. Since February 1971 this index advanced 4.6 per cent. The recreation and reading index increased 1.2 per cent to 138.1 from 136.5, only because of a 3.9 per cent advance in the price of sporting material. It was 2.4 per cent higher than a year

ago. The tobacco and alcohol index declined 0.1 per cent to 129.6 from 129.7 as beer price reductions were recorded in Montreal. Since February 1971, the index has risen 0.1 per cent.

The consumer price index items, when classified by commodities and services offer another view of the incidence of the change in prices. Between January and February, the 0.9 per cent increase in food prices was the main contributor to the advance of 0.5 per cent in the total commodities index; the services index rose 0.3 per cent over the same period. Non-durable commodities, excluding food, increased on average 0.2 per cent. Higher newspaper and magazine subscription rates, together with increased fuel oil, pharmaceutical and toi-

lettries' prices, outweighed reductions for clothing. Durable prices, on an average, declined marginally as a result of lower furniture prices. The rise in service prices was chiefly due to higher men's haircut and women's hairdressing charges, dentist fees, train and bus fares, and theatre admission prices.

City consumer, February

Between January and February the consumer price index (1961 = 100) increased in all regional cities and city-combinations except Québec whose index was unchanged. The movements ranged from 0.2 per cent in Montreal, Ottawa and Winnipeg, to 0.9 per cent in Saint John. Food indexes registered increases in all cities—the largest (1.9 per cent) being in Toronto and Saint John. Housing components rose in nine cities because of increased rents and higher prices for a number of household items. Seasonal sales on a number of items were responsible for a decline in the clothing index in six cities. Transportation indexes rose in nine cities reflecting higher train fares across the country. Health and personal care indexes increased in eight cities. Recreation and reading indexes advanced in all cities chiefly because of increased magazine subscription rates. Tobacco and alcohol components registered mixed movements.

Regional consumer price index point changes between January and February were: On the base 1961 = 100: Saint John +1.1 to 128.5; Toronto +.8 to 132.8; St. John's +.7 to 126.8; Halifax +.6 to 128.8; Saskatoon-Regina +.6 to 126.9; Edmonton-Calgary +.5 to 131.3; Vancouver +.5 to 130.5; Montreal +.3 to 129.9; Ottawa +.3 to 133.9; Winnipeg +.2 to 131.6. On the base 1969 = 100: Thunder Bay +.5 to 106.3; Québec City 106.2 (unchanged).

City indexes are not as comprehensive in price content as the Canada consumer price index and may underestimate slightly the degree of price movements occurring. In this connection, the shelter component of the city indexes moves on the basis of changes in rents only; changes in both rents and home-ownership costs are included in the Canada index. As a result of home-ownership costs having increased more rapidly than rents, the housing and all-items indexes for cities have tended to underestimate somewhat the rates of price increase, particularly over longer periods. Studies are under way by Statistics Canada to incorporate home-ownership prices in city indexes.

U.S. consumer, February

The United States consumer price index (1967 = 100) rose 0.5 per cent to 123.8 in February. The increase was

the same both before and after adjustment of the data to reflect normal seasonal changes in some prices.

For food prices, the increase in the month, seasonally adjusted, was 1.7 per cent—the largest for any month since 1958. Seasonal adjustment is a statistical device to eliminate the effects of purely seasonal factors from the figures and make the underlying trend clearer. The average prices of both goods and services, rose slightly. The price of services rose only 0.2 per cent in February and were 4.1 per cent higher than a year ago. One service category that continued to rise sharply in February was residential telephone and electric service. Prices were lower for gasoline and new and used cars, and were higher for women's apparel, cigarettes, textile home furnishings, toilet goods and reading materials.

General topics

Unemployment insurance report

During November 1971, a total of 251,000 initial and renewal claims for benefit were received in district offices across Canada, up 23 per cent from the 204,000 claims filed a year earlier. The same rate of increase was recorded between November 1969 and November 1970. The current figure is 53 per cent greater than the October total of 164,000; this rate is also higher than the October to November comparison for 1970 and 1969 when the increases were 43 per cent and 33 per cent, respectively. The heavier claim load is probably due to the easing of qualification requirements under the new Act.

Initial claims allowed under the provision of the new Act numbered 107,000, up 52 per cent from the October figure of 70,000. Included in the current total were 99,000 for regular benefit and 8,000 for special benefit. The latter figure comprised 4,700 sickness, 1,800 maternity, 1,100 retirement and fewer than 500 fishing cases.

As usual at this time of year, the number of claimants registered for unemployment insurance benefit increased from the previous month. The November total was 538,000, up 23 per cent from the 436,000 count at the end of October and 12 per cent from the 480,000

registered a year earlier. The inventory of claimants was heavier in all provinces in both the month and year earlier comparisons. Almost 75 per cent or 401,000 of the claimants came under the provision of the new Act after five complete months of operation. Included in this number were 375,000 registered for regular benefit and 26,000 for special benefit. The latter figure included 14,000 sickness, 11,000 maternity and 1,000 fishing cases.

Benefits paid in November amounted to \$69.4 million, an increase of 33 per cent over the \$52.2 disbursed in October and 85 per cent over the \$37.6 million in November 1970. Average weekly benefits to correspond with the above periods were \$49.55, \$46.31 and \$35.00. Analysis of these figures is complicated by the fact that the rates of benefit paid since June 27, 1971 have been revised.

Initial and renewal claims filed for benefit numbered 307,000 in December 1971, a decrease of 49,000 or 16 per cent from the total of a year earlier. This year-to-year decline in claims contrasted with an 18 per cent increase between December 1969 and December 1970. Compared with November 1971, current claims received were 56,000 or 23 per cent greater. The rate of increase between November and December 1970 was 75 per cent. Due to the easing of qualification requirements under the new Act, however, it appears that many claims were submitted earlier this year in November whereas under the seasonal benefit feature of the old Act, they were filed for the most part in December. When the two months of November and December are combined for 1970 and 1971, the total claims received are practically identical—560,000 in 1970 and 558,000 in 1971. The 1970 and 1971 two-month total was 20 per cent greater in each case than the 466,000 claims received in 1969 for the similar period. Of the 147,000 initial claims allowed under the provision of the new Act, 126,000 were for regular benefit and 21,000 for special benefit.

On December 31, claimants registered for unemployment insurance benefit numbered 689,000, up 17,000 or 3 per cent from the count a year earlier and 151,000 or 28 per cent from a month earlier. Registrations were greater in all provinces than the year- and month-to-month earlier comparisons. More than 80 per cent (567,000) of the claimants came under the provision of the new Act after six months of operation. This count included 525,000 claims for regular benefit and 42,000 for special benefit. A breakdown of the latter figure shows 17,000 sickness, 10,500 maternity and 14,500 fishing claimants.

During December, benefit payments totalled \$100 million, up 47 per cent from the \$69.4 million paid in November and 70 per cent from the \$60.2 million

ember 1970. The increase over a year earlier was in part to the upward adjustment of benefit rates under the new Act. Average weekly benefits corresponding with the above-mentioned periods were \$78, \$49.55 and \$35.74.

Employment review

As of February 19, there were 627,000 unemployed persons compared with 665,000 in January, and 675,000 in February 1971. The seasonally adjusted unemployment rate declined to 5.8 in February from 6.2 in January, and the unadjusted rate, representing actual unemployment as a percentage of the labour force, fell to 7.3 in February from 7.7 in January. On average there is usually an increase at this time of year. The total number of employed persons increased to 7,928,000 in February from 7,917,000 in January. Compared with a year earlier the labour force was up 203,000 or 2.4 per cent; employment was up 251,000 or 3.3 per cent; and unemployment was down by 48,000.

Seasonally adjusted employment. The seasonally adjusted employment level increased slightly from 8,200,000 in January to 8,268,000 in February (up 68,000). Employment increased for men 25 years and over (up 29,000) and fell for women 25 years and over (down 15,000) and for persons 14 to 24 years of age (down 7,000).

Regionally, employment increased in British Columbia (up 14,000), the Prairies (up 12,000) and the Atlantic provinces (up 10,000), declined in Ontario (down 10,000) and remained the same in Québec.

Seasonally adjusted unemployment rate. The rate was 5.8 in February. There were declines from January in unemployment rates for all main age and sex groups. The rates were lower than in January in all regions with a particularly sharp decline in the Atlantic region.

Unemployment insurance fund

In February 1972, 21,672 investigations were finalized across Canada. Of these 9,106 were on-premises investigations and 1,866 were selective investigations to verify the fulfilment of statutory conditions. The remaining 1,415 formal investigations and 9,285 post-audit investigations were in connection with claimants suspected of making false statements to obtain benefits. Administrative disqualifications as a result of claimants making false statements or misrepresentations numbered 19. Prosecutions were initiated in 47 cases, all against claimants.

Revenue received by the unemployment insurance account in February totalled \$126,507,989.48 compared with \$100,203,452.63 in January and \$48,957,422.95 in February 1971. **Benefits paid in February were: \$17,733,864.00, ordinary; \$8,432.00, seasonal; and \$175,931,478.00 under the new Act.** This compares with January benefits of: 19,562,013.00, ordinary; \$4,366.00, seasonal; and \$120,808,327.00 under the new Act, and benefits of \$100,928,124.33 in February 1971. The balance in the Unemployment Insurance Fund on February 29, 1972 was \$115,899,340.67 compared with \$189,820,570.61 at the end of January and \$390,014,769.35 at the end of February 1971.

June credits

Labour Legislation in 1970-71, Part 5, p. 302, was prepared by the Legislative Research Branch of the Canada Department of Labour.

Unemployment insurance report, p. 306, originates with the Unemployment Insurance and Manpower Section of Statistics Canada. A claimant's unemployment register is placed in the active file at the local office as soon as the claim is made. As a result, the count of claimants at any given time inevitably includes some whose claims are in process. "Claimants" should not be interpreted either as "total number of beneficiaries" or "total registered clients."

Certification before the CLRB, p. 309, is prepared by the Employee Representation Branch of the Department of Labour, and covers proceedings under the Canada Labour Code, Part V involving the functions of the Canada Labour Relations Board, for which the Employee Representation Branch of the Department is the administrative agency.

Conciliation before the Minister of Labour, p. 312, originates with the Conciliation and Arbitration Branch of the Department of Labour, and covers proceedings under the Canada Labour Code, Part V involving the administrative services of the Minister of Labour and the Conciliation and Arbitration Branch of the Department.

Photos. NFB: Cover, p. 282, 283, 286, 288, 289, 291, 304. Malak Photographs Ltd., Ottawa: p. 270. Information Canada: p. 276. Newton Photographers, Ottawa: p. 293. Murray Mosher: p. 294, 296, 299, 301. CN Photo: p. 316.

Legal decisions

The Ontario Court of Appeal quashed an order of the Ontario Labour Relations Board on January 18, 1972 on the basis that the Board had assumed a jurisdiction that it did not have to create an unjustified impediment to the right of a union to certification. The case was an appeal from an order of the Ontario Supreme Court dismissing an application for an order in lieu of a writ of certiorari to quash an order of the Board.

The Civil Service Association of Ontario applied to the Ontario Labour Relations Board for certification as bargaining agent for the employees in a bargaining unit of the Oakville Trafalgar Memorial Hospital. The Board began a preliminary inquiry as to whether the Union was a trade union within the meaning of The Labour Relations Act. After considering the Union's by-laws and evidence brought before it, the Board found that provisional members were barred from holding any office in the union and concluded that the union discriminated against provisional members regarding the rights and privileges that they could exercise within the union. For that reason the Board concluded that the union was not a trade union within the meaning of The Labour Relations Act, where a union is defined as "an organization of employees formed for the purposes that include the regulation of relations between employees and employers and includes a provincial, national and international trade union and a certified council of trade unions."

Mr. Justice Lacourciere, in dismissing the motion to have the Board's decision quashed had said that, even if there were errors by the Board in the interpretation of the definition of a trade union, there was no loss of ju-

risdiction consequent upon it, being an error in statutory interpretation within the Board's ambit jurisdiction.

In allowing the appeal and setting aside the order, the Ontario Court of Appeal held that the Board has exclusive jurisdiction to determine all questions of fact or law that may arise in any matter before it, and its decision cannot be questioned, reviewed, restrained, or prohibited. When the Board acts outside the ambit of its powers, however, the courts may restrain it. The Board cannot arrogate powers to itself by a misinterpretation of constituting legislation.

The Court held that, by its interpretation of the definition of a trade union, the Board assumed the power to deny certification to a union on the sole basis of discrimination between classes of members. The Board erred in this interpretation, because there is nothing in the definition permitting, much less requiring, the introduction of such a factor in the determination of whether a union is an organization within the meaning of the subsection. The Court further held that the legislation cannot permit the Board to review application for certification on any other form of discrimination by a union.

The Court of Appeal accordingly quashed the Board's orders on the basis that the Board had assumed a jurisdiction it did not have to create an unjustified impediment to the right of the union to certification, and remitted the application for certification to the Board for its further consideration.

The British Columbia Supreme Court, on October 1, 1971, rejected an application by an employer to quash a majority award of an arbitration board. The company contended that there was an error in law on the face of the award.

On the morning of May 7, 1971, some employees of the British Columbia Telephone Company set up an illegal picket line in front of one of the company's places of business in Prince George, B.C. With the exception of one, who was a member of the clerical division, all were members of the plant division. Their reason for setting up the picket line was an unresolved grievance of a member of that Division.

When the grievor, who represented the Federation of Telephone Workers of British Columbia as a member on the council of the clerical division, arrived at work that morning, he found that a picket line had been set up and other employees from both the plant and clerical

division had refused to cross it. Not knowing what the problem was, he did not tell the picketers that the picket line was illegal nor did he tell the one member of the clerical division to leave the picket line. After the strike ended, the employer advised the grievor by letter that he was being suspended for two weeks for participating in an illegal strike.

The arbitration board was asked to decide whether the suspension was just cause for the suspension. The company put its grounds for the suspension on the facts that the grievor did not report for work on May 7, that he participated in an illegal picket line, and that, as a union official, he did not make all reasonable efforts to have pickets removed and the employees returned to work. It was contended that there was an implied term in the grievor's contract of service that, as a union offi-

cial, he owed a higher duty to his employer in the matter of prevention and correction of illegal acts damaging to the employer than did other employees who are not union officials.

In dismissing the application, Mr. Justice Dohm said that the grievor may have wronged his employer by not being loyal, and it could be said also that he wronged the union by not advising the picketers that the picket line was unlawful and could result in the union being sued for damages. It may be that he did not act as a responsible trade union officer should act in the best interest of his fellow workers. He could have been disciplined as an ordinary union member. These factors, however, were no basis for implying into the contract of service a special duty by reason of his being a union officer.

Certification

The Canada Labour Relations Board met for four days in March. It granted nine applications for certification, rejected two, and permitted the withdrawal of one. The Board issued Reasons for Judgment in one application for certification (see below). In three cases, for review of earlier decisions, the Board decided two and granted one in part. Twelve applications for certification were received during the month.

Reasons for judgment. In an application for certification made by Teamster Locals 31 and 362, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, in respect of employees of the company's Transport Ltd., Edmonton, Alta.: (a) ordering certification of the Locals as the bargaining agent for a unit of drivers including drivers of road haul equipment employed by the company from the owners thereof but excluding owner-drivers; (b) finding that the owner-driv-

ers are employees of the company and that they constitute a unit which is separately appropriate for collective bargaining; (c) ordering a vote to be taken of the said owner-drivers to ascertain their wishes as to the selection of the Teamster Locals as their bargaining agent (Returning Officer: A. A. Franklin) (LG, Nov. 1971, p. 747). (Reasons for Judgment issued; full text in Supplement No. 3, 1972).

Applications for certification granted. General Truck Drivers and Helpers Local 31, General Teamsters Local 362, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, on behalf of a unit of dock workers and drivers employed by B-Line Express Ltd. (formerly Little Chief B-Line Express Ltd.) working at and from Burnaby, B.C., and Calgary, Edmonton and Lethbridge, Alta. Lease operators were excluded from the bargaining unit (LG, Nov. 1971, p. 747).

Canadian Union of Public Employees on behalf of two separate units of employees of TéléCable de Québec, Inc., Québec, Qué. One unit is comprised of operating employees and the other of salesmen (LG, Feb., p. 89).

Labourers' Protective Union, Local 9568, on behalf of a unit of longshoremen of Co-operative de Transport Maritime et Aérien, Magdalen Islands, Qué., employed at Charlottetown, P.E.I., in the loading and/or unloading of vessels (LG, Feb., p. 89, Oct. 1971, p. 691).

Labourers' Protective Union, Local 9568, on behalf of a unit of longshoremen employed by Charlottetown Steamship Company Limited in the loading and/or unloading of vessels at Charlottetown, P.E.I. (LG, Feb., p. 89, Oct. 1971, p. 691).

General Truck Drivers and Helpers Local 31, General Teamsters Local 362, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, on behalf of a unit of drivers and maintenance shop employees of Yukon Freight Lines Ltd., Whitehorse, Y.T. (LG, Apr., p. 199).

Canadian Telecommunications Union, Division No. 1, United Telegraph Workers, on behalf of a unit of radio technicians of Canadian Pacific Limited employed in its CP Rail Communications Department (LG, Apr., p. 188).

General Truck Drivers and Helpers Local 31, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, on behalf of a unit of drivers employed by Davinder Freightways Ltd., Duncan, B.C. (LG, Apr., p. 199).

Cartage & Miscellaneous Employees Union, Local 931, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, on behalf of a unit of drivers of Dubuc Tank Lines Ltd., Montréal, Qué. (LG, Apr., p. 199).

Teamsters International Union, Local 990, International Brotherhood of Teamsters, Chauffeurs; Warehousemen and Helpers of America, on behalf of a unit

of drivers, packers, and warehousemen of Armistead Van and Storage Limited working in and out of Thunder Bay, Ont. (LG, May, p. 253).

Applications for certification rejected. General Teamsters Union, Local 181, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, applicant, and A & A Trucking Ltd., Kelowna, B.C., respondent. The Board found that the employer and its employees are no longer engaged in business of carrying mail for the Canada Post Corporation and accordingly are not subject to Part V of the Canadian Labour Code (Industrial Relations) (LG, Nov. 1971, p. 747).

National Association of Broadcast Employees and Technicians, applicant, Radio Cape Breton Ltd., Sydney, N.S., respondent, and Cape Breton Projection Union Local 848, International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, interveners. Application is rejected because there is no evidence before the Board that payments by applicants for membership in the applicant union were made within time limits prescribed in the Board's Rules of Procedure and as to the date the applications for membership the applicant union were signed (LG, Apr., p. 199).

Requests for review. The Board denied a request made by the National Association of Broadcast Employees and Technicians which sought amendment of the Board's Order of Certification of April 2, 1971 (LG, May 1971, p. 329, June 1971, p. 398) affecting a unit of employees of CHLT Radio Sherbrooke Ltée, Sherbrooke, Qué. (LG, Nov. 1971, p. 748).

The Board denied a request made by the National Association of Broadcast Employees and Technicians which sought amendment of the Board's Order of Certification of April 5, 1971 (LG, May 1971, p. 329, June 1971, p. 398) affecting a unit of employees of CHLT Télé-7 Ltée, Sherbrooke, Qué. (LG, Nov. 1971, p. 748).

The Board granted in part a request made by the National Association of Broadcast Employees and Technicians which sought amendment of the Board's Order of Certification of June 30, 1965 (LG 1965, p. 732), affecting a unit of employees of CKTS Radio Sherbrooke Inc., formerly Telegram Printing & Publishing Co. Ltd., Sherbrooke, Qué. The Board amended the order of June 30, 1965, by changing the name of the employer to its present form (LG, Dec. 1971, p. 800).

Applications for certification received. International Longshoremen's Association, Local 1776, on behalf of a unit of longshoremen employed by Eastern Offshore Services and by F. K. Warren Co. Ltd., at Mulgrave and Point Tupper, N.S. (see Applications Withdrawn, above).

Seafarers' International Union of Canada on behalf of a unit of unlicensed personnel employed aboard towboats operated by Harvie Forrest Industries Ltd., Port Colborne, B.C. (Investigating Officer: G. W. Rogers).

Association of Security Guards of the National Harbours Board (Montreal) on behalf of a unit of employees of National Harbours Board, Montreal, Qué. (Investigating Officer: S. T. Payne).

Warehousemen and Miscellaneous Drivers Union, Local 419, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, on behalf of a unit of employees of A & F Baillargeon Express Ontario Inc., Downsview, Ont. (Investigating Officer: M. K. Carson).

Amalgamated Meat Cutters and Butcher Workmen of North America on behalf of a unit of employees of N. Corbett Feeds Ltd., Mount Elgin, Ont. (Investigating Officer: M. K. Carson).

American Federation of Grain Millers, Local 242 on behalf of a unit of employees of McCarthy Milling Company Limited, Streetsville, Ont. (Investigating Officer: M. K. Carson).

International Longshoremen's Association, Local 1776, on behalf of a unit of freight handlers and longshoremen employed by Eastern Offshore Services, Mulgrave, N.S. (Investigating Officer: R. L. Kervin).

International Longshoremen's Association, Local 1776, on behalf of a unit of freight handlers and longshoremen employed by Canadian National Railways, Montreal, Qué. at its Mulgrave, N.S. operations (Investigating Officer: R. L. Kervin).

International Longshoremen's Association, Local 1776, on behalf of a unit of employees of Henderson Lumber Co. Ltd., Mulgrave, N.S., loading pulpwood aboard vessels (Investigating Officer: R. L. Kervin).

International Longshoremen's Association, Local 1776, on behalf of a unit of employees of Williams and Simpson's Co. Ltd., Mulgrave, N.S., loading pulpwood aboard vessels (Investigating Officer: R. L. Kervin).

Seafarers' International Union of Canada on behalf of a unit of unlicensed personnel employed aboard tugs operated by Smit & Cory International Port Towage Limited (T. H. Mathers & Son Ltd., Halifax, N.S. as agents) (Investigating Officer: C. A. Ojden).

Applications for certification withdrawn. American Federation of Grain Millers, Local 242, applicant, and McCarthy Milling Company Limited, Streetsville, Ont., respondent (LG, May, p. 253) (Resubmitted, see above).

General Teamsters Local 362, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, applicant, and Sokil Express Lines Ltd., Edmonton, Alta., respondent (LG, May, p. 253).

General Teamsters Local 362, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, applicant, and Edmonton Transfer Ltd., Edmonton, Alta., respondent (LG, May, p. 253).

International Longshoremen's Association, Local 1776, applicant, and Eastern Offshore Services, Mulgrave, N.S., and F.K. Warren, Co. Ltd., Halifax, N.S., respondents (resubmitted naming Eastern Offshore Services only, see above).

Conciliation

During March the Minister of Labour appointed conciliation officers to deal with the following disputes:

Boyd's Express Ltd., Central Truck Lines Ltd., and St. John's Iberville Transport, Montreal, Qué., and Transport Drivers, Warehousemen and Helpers Union, Local 106 (Conciliation Officer: G. R. Doucet).

Déménagement Ste-Foy/Moving Inc., and G. Gagné Transport Ltée, Ville Vanier, Qué., and le Syndicat national des employés de l'alimentation en gros de Québec Inc. (Conciliation Officer: Marcel Archambault).

United Keno Hill Mines Limited, Elsa, Y.T., and Local 924, United Steelworkers of America (Conciliation Officers: D. H. Cameron and R. Langford).

Northern Québec Transport Inc., Rouyn, Qué., and General Truck Drivers Union, Local 938 (Conciliation Officer: T. B. McRae).

Seaboard Express Lines Limited, Moncton, N.B., Teamsters, Chauffeurs, Warehousemen, Helpers and Miscellaneous Workers, Local 76 (Conciliation Officer: R. L. Kervin).

Les Services Ménagers Roy Ltée, Montréal, Qué., le Syndicat Général du Cinéma et de la Télévision (CNTU) (section employés des services Ménagers Ltée) (Conciliation Officer: J. J. de Gaspé Loranger).

Robin Hood Multifoods Limited, Port Colborne, Ont., and Canadian Food and Allied Workers, Local 11 (representing office employees) (Conciliation Officer: A. Fisher).

Greyhound Lines of Canada Ltd., Calgary, Alta., Amalgamated Transit Union, Division 1374 (Conciliation Officer: A. A. Franklin).

Grimshaw Trucking and Distributing Ltd., Edmonton, Alta., and General Teamsters, Local 362 (Conciliation Officer: George W. Rogers).

McFalls Cartage Limited, London, Ont., and Teamsters, Chauffeurs, Warehousemen and Helpers, Local 141 (Conciliation Officer: Kenneth Hulse).

Chapman Transport Limited, Kelowna, B.C., and General Truck Drivers and Helpers, Local 31 and General Teamsters Union, Local 181 (Conciliation Officer: D. H. Cameron).

Radio Laval Inc., Montréal, Qué., and le Syndicat Général des Communications (Section CKLM) (Conciliation Officer: M. Archambault).

Speedy Storage and Cartage Limited, Lethbridge, Alta., and General Teamsters, Local 362 (Conciliation Officer: A. A. Franklin).

McMillan Transport Ltd., Medicine Hat, Alta., General Teamsters, Local 362 (Conciliation Officer: A. A. Franklin).

ardair Canada Ltd., Edmonton, Alta., and Canadian
Line Flight Attendants Association (Conciliation
Officers: A. A. Franklin and R. Langford).

tor Transport Industrial Relations Bureau of Qué-
(Inc.) (representing certain member trucking com-
ies in Québec falling within federal jurisdiction) and
Transport Drivers, Warehousemen and Helpers Union,
Local 106 (Conciliation Officer: G. R. Doucet).

nitoba Pool Elevators, St. Boniface, Man., and Inter-
national Union of United Brewery, Flour, Cereal, Soft
Bak and Distillery Workers of America, Local 338,
Saskatoon, Sask., and Canadian Brotherhood of Railway,
Transport and General Workers (representing employ-
ees in Seed Department) (Conciliation Officer: A. E.
Poppel).

Settlement by conciliation officer. Aluminum of Canada
Ltd. (ALCAN) Port Alfred, Qué., and the national
Association of employees of Aluminum of Canada Ltd.
(NATU) (representing employees of Transport Divi-
sion: gatemen and patrolmen, and office employees)
(Conciliation Officer: G. R. Doucet) (reassigned to S. T.
Dwyne).

Conciliation boards appointed. Soo-Security Motorways
Ltd., Winnipeg, Man., and Teamsters Locals 979, 990,
995 and 362 (LG, March, p. 146).

Maritime Employers' Association (The Shipping Federa-
tion of Canada, Inc.) and Locals 1657 and 1605, Inter-
national Longshoremen's Association (LG, May, p. 250).

United Grain Growers Limited; Saskatchewan Wheat
Pool; Alberta Wheat Pool; Burrard Terminals Limited;
Vancouver Grain Elevators Limited, Vancouver, B.C., and Grain

Workers Local 333, International Union of United
Brewery, Flour, Cereal, Soft Drink and Distillery Work-
ers of America (LG, May, p. 250).

Settlement reached after board procedure. Canadian
National Hotels Limited (Bessborough Hotel), Saska-
toon, Sask., and Canadian Brotherhood of Railway,
Transport and General Workers (LG, Feb., p. 91).

Conciliation board reports received. The Pelee Shipping
Company Limited, St. Thomas, Ont., and Seafarers' In-
ternational Union of Canada (LG, Feb., p. 91).

Canadian National Hotels Limited (Fort Garry Hotel)
Winnipeg, Man., and Local 272, Canadian Brotherhood
of Railway, Transport and General Workers (LG,
March, p. 147).

Millar and Brown Ltd., Cranbrook, B.C.; Canadian
Freightways Limited, Calgary, Alta., and Loiselle
Transport Ltd., Vancouver, B.C., and the International
Brotherhood of Teamsters, Chauffeurs, Warehousemen
and Helpers of America, Locals 31, 362, 181, 395, and
979 (LG, May, p. 251).

Disputes in which conciliation boards not appointed.
Hendrie and Company Limited, Toronto, Ont., and Ca-
nadian Brotherhood of Railway, Transport and General
Workers (LG, April, p. 197).

Canadian Arsenals Limited (Small Arms Division,
Long Branch) Toronto, Ont., and Canadian Union of
Operating Engineers (LG, May, p. 250).

Strike action. Kent Driver Services Limited, Chatham,
Ont., and Teamsters, Chauffeurs, Warehousemen and
Helpers, Local 880 (Strike commenced March 6) (LG,
March, p. 146).

Voyageur (1969) Inc., Montréal, Qué., and Transport
Drivers, Warehousemen and Helpers Union, Local 106
(Strike commenced March 22) (LG, May, p. 251).

Decisions of the umpire

CUB 3067: The claimant belongs to the Canadian Brotherhood of Railway, Transport and General Workers. He filed an application for benefit stating that he was last employed by a barge and derrick company in Vancouver, from March 14 to May 3 of the same year. As for the reason for the cessation of his employment, the claimant declared, "I am a deckhand on the boat. I can't work because of the Guild strike."

The area office of the Commission requested additional information from the claimant. He advised them that on his last day of work he was employed in Port Alberni, B.C. He stated also that he was not on strike against his employer, he had not been locked out, but that he had been laid off due to a strike. The claimant stated further that a picket line had been set up at the site, that he had not attempted to cross it, and that no members of his union were actively involved on the picket line. The employer reported to the area office that the claimant's separation from work was resulting from the "Canadian Merchant Service Guild (MSG) strike of towboats."

On the facts before him, the insurance officer notified the claimant that, under Section 63 of the Act, he was disqualified from receiving benefit from May 4 because he had lost his employment because of a stoppage of work attributable to a labour dispute "at the factory, workshop, or other premises at which he was employed." In

his appeal to the board of referees dated May 28, the claimant declared that he was not on strike and was locked out. According to a statement of the employer, the claimant had been laid off because of the Guild strike, in which he was in no way involved.

The insurance officer decided to terminate, on June 1, all the disqualifications that had been imposed, as an agreement had been reached between the employer and the Guild, and a substantial work resumption had come effective on June 15.

The board of referees found that the loss of employment by the claimant was attributable to the towboat strike; that it was not resulting from a lack of work, but was part and parcel of the work stoppage due to the labour dispute. Furthermore, the board found that the evidence established that the dispute existed at the premises where the claimant was employed, and this was the only reason for his loss of employment.

The board came to the conclusion that the claimant, being a member of the employer's unlicensed personnel, had proved he did not belong to a grade or class of workers that, prior to the work stoppage, included members who were employed at the same premises as those who were participating, financing or directly interested in the dispute, and consequently was entitled to relief from disqualification under the provisions of the Act.

By unanimous decision, the board rejected the insurance officer's decision, and allowed the claimant's appeal. Within 21 days from the date of the decision of the board of referees, the insurance officer appealed to the Umpire.

Umpire's statement

In this and other appeals by members of two unions arising out of the tugboat strike, there were two main general contentions. One was that all the tugboats constituted a single premises for the purposes of the Act.

Other was that the unlicensed employees were directly interested in the labour dispute between the Guild and the Owners Association because safety was one of the issues in the dispute and all three unions and their members employed on the tugboats had an interest in such safety and had bargained with the Owners Association over safety.

As to the first of those contentions, notwithstanding certain cited Umpire's decisions that lend support to the contention that all the boats were collectively one premises, my view is that each boat was a separate premises within the meaning of the Act. The dispute related to all the boats, the Guild represented licensed employees on the boats, and the Owners Association represented the owners of the boats; and it presumably was practical and expedient to have that collectivity for industrial, business, commercial and union purposes, including employer-employee bargaining in respect of wages and working conditions. But the collectivity should not be extended to constitute all the boats as one single premises for the purpose of the Act, as I construe that section and have regard for its meaning and purposes. The relief from disqualification that it affords would in many cases be completely beyond the grasp of injured persons if they have the onus of establishing not only that persons of their class and grade were not participating or directly interested in or financing the labour dispute but also that no such persons elsewhere, on tugboats physically and operationally separated by great distances, were doing so. I cannot read into that provision any intention of Parliament to impose on injured workers an onus that would be so burdensome and difficult to satisfy.

The second contention is, in my opinion, more arguable. My first inclination was to agree with the forceful argument that safety of the boats and of the persons on board them were issues in the labour dispute between the Guild and the Association and that the other two unions and their members had a common and direct interest in those safety issues and their outcome, and that all would be directly affected by the outcome in that regard. After giving much consideration to the question, I have concluded, however, not without some doubt, that the interest of the unlicensed crew members is more indirect than direct. It is not possible to define the words "direct" or "directly" to cover all situations with precision. There is no sharp dividing line between what is direct and what is indirect. It is not always a

case of distinct black and white; there can be an overlapping grey area that is difficult to classify as either direct or indirect exclusively. Section 63(2) of The Act is a relief section. The stricter the interpretation, the less the opportunity for the relief. I am disposed to think that the application of the subsection by adjudicating officers should in a given case lean toward an interpretation that would be more, rather than less, generous in affording an opportunity to claimants to establish relief from disqualification. Each case should be considered on its own merits and it is perhaps not necessary for me to stress that the objective should be to make an appraisal of the situation that is reasonable and fair. The concept of what has sometimes incorrectly been referred to as "guilt by association" should not be so extended as to preclude a fair and reasonable application of Section 63(2). Relief should not be provided, however, unless a fair case for such relief has been made. The door should not be opened wide to give relief where entitlement to it is not reasonably established.

Consequently, I find that the common interest in safety was not such a direct interest in the labour dispute between the Guild and the Association as to bar the unlicensed crew members from relief under the Act.

Coming now to the facts in the present case, the employer gave information that its Port Alberni Division had one small tugboat, operated by a master and a deckhand on each of two shifts—thus there were two masters and two deckhands—that, when the masters walked off the boat and went on strike, there was no work for the deckhands and they were laid off; that the deckhand was in no way involved in the strike; and that the company did not attempt to operate with supervisory personnel or request him to work.

It may well be that unlicensed crew members on other boats and at other premises refused to cross picket lines and withdrew their labour in support of the strikers and that the CBRT was not unsympathetic to the strikers' cause. But that falls short of participation by the CBRT or its members on the claimant's boat. The unanimous decision of the board of referees in favour of the claimant is short and to the point and I think that it is a proper decision. The appeal of the insurance officer is, therefore, dismissed.

Railway arbitration



Three cases were heard by the Canadian Railway Office of Arbitration in Montreal on February 8, 1972. Grievances were dismissed in two cases; the other grievance was allowed.

Case No. 337. Dispute between CN and the Canadian Brotherhood of Railway, Transport and General Workers over the assigning of employees in an emergency.

A derailment caused damage to tracks and to two bridges. Emergency repairs were required and the engineering department ordered five bridge and building employees to load emergency material for shipment to the scene of the derailment. The union contended that the loading and shipping of the material should have been performed by stores department employees. The union asked that five such employees be paid at overtime rates for not being called. The company declined payment.

The day in question was a day of rest for the grievor but the arbitrator said that the men were not unable or unwilling to do the work. Therefore, the engineering department employees "usurped, contrary to the collective agreement, the jobs of persons regularly employed in the stores department." Although there was nothing in the agreement stating that the stores department employees be called out during their off hours, the company did require work to be done. "The persons performing (this work) are subject to the provisions of the collective agreement, and employees covered by the agreement, such as the grievors in the instant case, are entitled to claim that such work has been improperly assigned." He allowed the grievance.

Case No. 338. An ex parte dispute between CN and the Canadian Brotherhood of Railway, Transport and General Workers over the assigning of a bull cook.

The grievor's name was on the auxiliary list and available for spare work as a bull cook, the union stated in its statement. (A bull cook assists with cow duties.) A wrecking outfit was called and another employee was called to act as bull cook. The arbitrator found that the union's statement claiming that the grievor was on the auxiliary list "was denied by the company and was not established by any material furnished by the union. It seems that the grievor was tried out on at least one occasion as a bull cook, and the company stated that it would be willing to try him again, but was not willing to use him for the substantial amount of work that was involved in this case." The arbitrator could not see from the material presented to him that the grievor was either approved or listed as an auxiliary bull cook. He dismissed the grievance.

Case No. 339. Dispute between CP Rail and the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees over the awarding of a position.

The grievor had acted on occasion as an accountant, the union contended that she should have been given the position so that she could demonstrate her ability to perform the work. The agreement states that "past performance" should be the most important factor in awarding the position, but that seniority should be a "considerable factor." The agreement allows an officer of the company to be the judge in the awarding of this position and he did consider the grievor's case. The arbitrator, however, stated that the company "did have good grounds to conclude that the successful candidate had substantially better qualifications than the grievor or indeed any other candidate." He dismissed the grievance.

Publications the library

No. 279

Publications listed below are recent acquisitions. They may be borrowed through a local library (business, university, public, etc.) or directly, if there is no local library. Please indicate the publication numeral and month listed, when requesting loans.

Arbitration, industrial

No. 1—National Academy of Arbitrators. Arbitration and the expanding role of neutrals; proceedings of the twenty-third annual meeting, Montreal, Qué., April 6-8, 1970. Edited by Gerald G. Somers and Barbara D. Somers. Washington, Bureau of National Affairs, 1970. xiv, 274 p.

No. 2—Wiggins, Ronald Luther. The arbitration of industrial engineering disputes. Washington, Bureau of National Affairs, 1970. xvii, 350 p.

Collective bargaining

No. 3—Fleeman, R. K. Productivity bargaining; a practical guide, by R. K. Fleeman and A. G. Thompson. London, Butterworths, 1970. v, 140 p.

No. 4—The New bargainers: a symposium on productivity bargaining; edited by B. Towers and T. G. Whittingham. Nottingham, University of Nottingham, Department of Adult Education, 1970. 197 p.

No. 5—Piron, Jacques. Le droit des relations collectives du travail en Belgique, par Jacques Piron et Pierre Denis. Bruxelles, F. Larcier, 1970. xvi, 301 p.

Employment management

No. 6—Marris, Robin L. Multiple shiftwork; a problem for decision by management and labour. London, H.M.S.O., 1970. 28 p.

No. 7—Otto, Calvin P. The management of training; a handbook for training and development personnel, by Calvin P. Otto and Rollin O. Glaser. Reading, Mass., Addison-Wesley Pub. Co., 1970, vi, 410 p.

No. 8—Paul, William J. Job enrichment and employee motivation, by W. J. Paul and K. B. Robertson. London, Gower Press, c1970. 119 p.

No. 9—Phillips, Harry. Employee benefits planning. Louisville, Ky., Insurance Field Co., inc., c1970. 152 p.

No. 10—U.S. Equal Employment Opportunity Commission. Personnel testing and equal employment opportunity. Editors: Betty R. Anderson and Martha P. Rogers. Washington, G.P.O., 1970. viii, 48 p.

Employment stabilization

No. 11—Burns, Arthur Frank. Full employment: guideposts and economic stability, by Arthur F. Burns and Paul A. Samuelson. Washington, American Enterprise Institute for Public Policy Research, 1967. 167 p.

Industrial disputes

No. 12—Beaudet, Albert. Plaidoyer pour la grève et contestation. Montréal, Les Presses Libres, c1970. 126 p.

No. 13—Fusco, Paul. La Causa; the California grape strike. Photographed by Paul Fusco. Written by George D. Horwitz. 1st Collier Books ed. New York, Collier Books, 1970. 158 p.

Industrial relations

No. 14—Grant, Ronald M. Industrial relations. London, Ginn, 1970. 64 p.

No. 15—Lefkoe, M. R. The crisis in construction; there is an answer. Washington, D.C., Bureau of National Affairs, c1970. vii, 189 p.

Labour economics

No. 16—Baerwald, Friedrich. Economic progress and problems of labor. 2d ed. Scranton, Penn., International Textbook Company, 1970. 493 p.

No. 17—Reynolds, Lloyd George. Labor economics and labor relations. 5th ed. Englewood Cliffs, N.J., Prentice-Hall, 1970. xi, 692 p.

Labour laws and legislation

No. 18—Foenander, Orwell de Ruyter. Recent development in Australian industrial regulation. Melbourne, Law Book Co. Ltd., 1970. xxiv, 207 p.

Labour mobility

No. 19—Wertheimer, Richard F. The monetary rewards of migration within the U.S. Washington, Urban Institute, 1970. 62 p.

Labour organization

No. 20—Hero, Alfred Olivier. The Reuther-Meany foreign policy dispute: union leaders and members view world affairs, by Alfred O. Hero, Jr. and Emil Starr. Dobbs Ferry, N.Y., Oceana Publications, 1970. 1 v. (various pagings).

No. 21—London, Joan. So shall ye reap, by Joan London and Henry Anderson. New York, Crowell, 1970. xi, 208 p. A book about labour unions composed of farm workers.

Labouring classes

No. 22—Davison, Ray. Peril on the job; a study of hazards in the chemical industries. Washington, D.C., Public Affairs Press, c1970. viii, 198 p. This book was sponsored by the Oil, Chemical and Atomic Workers International Union.

No. 23—Kingsford, P. W. Victorian railwaymen; emergence and growth of railway labour 1830-1900. London, Frank Cass, 1970. xvi, 192 p.

No. 24—Lyon-Caen, Gérard. Contribution à l'étude des modes de représentation des intérêts des travailleurs dans le cadre des sociétés anonymes européennes. Bruxelles, Commission des Communautés européennes, 1970. 64 p.

No. 25—Mendelsohn, Ezra. Class struggle in the formative years of the Jewish workers' movement in Tsarist Russia. Cambridge, Eng., University Press, 1970. 180 p.

No. 26—Nordling, Rolf. Suède socialiste et libre entreprise, par Rolf Nordling, avec la collaboration de A. Hutchings-Giesecke. Préf. de Louis Armand. Paris, Fayard-Mame, 1970. 202 p.

Management training

No. 27—Great Britain. National Economic Development Office. Management education in the 1970s: growth and issues; a report prepared by H. B. Rose, in conjunction with D. G. Clark and E. Newbigging, for the Management Education Training and Development Committee. London, H.M.S.O., 1970. xii, 160 p.

No. 28—Warr, Peter. Evaluation of management training; a practical framework; with cases, for evaluating training needs and results, by Peter Warr, Michael Jackson and Neil Rackham. London, Gower Press, 1970. 111 p.

Manpower policy

No. 29—Borus, Michael Eliot. Measuring the impact of manpower programs; a primer, by Michael E. Borus and William R. Tash. Ann Arbor, Institute of Labor and Industrial Relations (University of Michigan, Wayne State University) 1970. 81 p.

No. 30—Labour market issues of the 1970s; edited by J. Robertson and L. C. Hunter. Edinburgh, Oliver Boyd, 1970. viii, 223 p.

Occupations

31—Great Britain. Office of Population Censuses Surveys. Classification of occupations, 1970. London, H.M.S.O., 1970. xxxvi, 119 p.

32—Organization for Economic Cooperation and Development. Occupational and educational structures of labour force and levels of economic development, 1970-1971. 2v. Contents: v.1. Possibilities and limitations of an international comparison approach. Further analyses and statistical data.

Poverty

33—International Seminar on Poverty, University of Oxford, 1967. The concept of poverty; working papers on methods of investigation and life-styles of the poor in different countries. Edited by Peter Townsend. London, Heinemann, c1970. xi, 260 p.

34—U.S. President's Commission on Income Maintenance Programs. Background papers. Washington, D.C., 1970. iv, 455 p. Ben W. Heineman, chairman.

Public administration

35—Nigro, Felix A. Modern public administration. New York, Harper & Row, c1970. 490 p.

36—Parkinson, Cyril Northcote. The law of delay; reviews and outreviews. With illus. by Osbert Lancaster. London, John Murray, 1970. 128 p.

Sociology

37—Gouldner, Alvin Ward. The coming crisis of modern sociology. New York, Basic Books, 1970. xv, 399 p.

38—Reeves, Elton T. The dynamics of group behaviour. New York, American Management Association, 1970. 399 p.

39—Robinson, Joan. Freedom and necessity; an introduction to the study of society. London, George Allen & Unwin, 1970. 128 p.

40—Silverman, David. The theory of organisations: sociological framework. London, Heinemann, 1970. 128 p.

Wages

No. 41—Clover, Vernon Thomas. Changes in differences in earnings and occupational status of men and women, 1947-1967. Lubbock, Texas Tech University, College of Business Administration, 1970. v, 77 p.

No. 42—Robinson, Derek, ed. Local labour markets and wage structures. London, Gower Press, 1970. 296 p.

Women

No. 43—Chabaud, Jacqueline. The education and advancement of women. Paris, Unesco, 1970. 155 p.

No. 44—The Role and status of women in the Soviet Union. Edited by Donald R. Brown. New York, Teachers College Press, 1968, xii, 139 p.

No. 45—Scott, Anne Firor, comp. Women in American life; selected readings. Boston, Houghton-Mifflin, 1970. x, 214 p.

No. 46—Seminar on the Participation of Women in the Economic Life of their Countries, Moscow, 1970. Seminar on the Participation of Women in the Economic Life of their Countries (with reference to the implementation of Article 10 of the Declaration on the elimination of discrimination against women), Moscow . . . 8-21 September 1970. New York, United Nations, 1970. 38 p.

Miscellaneous

No. 47—Eichner, Alfred Solomon. State development agencies and employment expansion. Foreword by Eli Ginzberg. Ann Arbor, Institute of Labor and Industrial Relations (University of Michigan-Wayne State University) 1970. viii, 76 p.

No. 48—Galbraith, John Alexander. Canadian banking. Toronto, Ryerson Press, c1970. xviii, 378 p.

No. 49—Kakar, Sudhir. Frederick Taylor: a study in personality and innovation. Cambridge, Mass., MIT Press, 1970. xi, 221 p. Mr. Taylor is associated with the development of scientific industrial management.

No. 50—Somers, Herman Miles. Delivery of health care: do we know where we are going? Princeton, N.J., Princeton University, Industrial Relations Section, 1970. 99-113 p.

Labour statistics

Principal Items	Date	Amount	Percentage Change	
			from	Pre
			Previous Month	Month
(in thousands)				
TOTAL CIVILIAN LABOUR FORCE*				
Week ended February 19, 1972				
Employed.....	February	8,555	- 0.3	
Agriculture.....	"	7,928	+ 0.1	
Non-agriculture.....	"	399	- 5.0	
Paid workers.....	"	7,528	+ 0.4	
At work 35 hours or more.....	"	6,976	+ 0.2	
At work less than 35 hours.....	"	6,302	+ 1.2	
Employed but not at work.....	"	1,299	- 4.3	
Unemployed.....	"	627	- 5.7	
Atlantic.....	"	72	-15.3	
Québec.....	"	223	- 4.3	
Ontario.....	"	185	- 2.1	
Prairie.....	"	77	- 2.5	
British Columbia.....	"	70	-11.4	
Without work and seeking work.....	"	582	- 4.7	
On temporary layoff up to 30 days.....	"	45	-16.7	
INDUSTRIAL EMPLOYMENT (1961=100)†	December	125.7	- 2.6	
Manufacturing employment (1961=100)†.....	"	119.4	- 2.4	
IMMIGRATION	Year 1971	121,900	—	
Destined to the labour force.....	"	61,282	—	
STRIKES AND LOCKOUTS				
Strikes and lockouts.....	February	77	+ 2.7	
No. of workers involved.....	"	27,071	+65.1	
Duration in man days.....	"	245,930	+79.0	
EARNINGS AND INCOME				
Average weekly earnings (ind. comp.)†.....	December	140.94	- 0.9	
Average hourly earnings (mfg.)†.....	"	3.41	+ 1.5	
Average weekly hours paid†.....	"	38.8	- 3.7	
Consumer price index (1961=100).....	"	130.2	- 2.8	
Index numbers of weekly earnings in 1961 dollars (1961=100)†.....	March	137.4	+ 0.1	
Total labour income (millions of dollars)†.....	November	4,480.3	- 0.4	
INDUSTRIAL PRODUCTION†				
Total (average 1961=100).....	February	183.9	—	
Manufacturing.....	"	178.8	- 0.4	
Durables.....	"	204.8	+ 0.3	
Non-durables.....	"	158.3	- 1.1	
NEW RESIDENTIAL CONSTRUCTION**				
Starts.....	February	10,762	+14.0	
Completions.....	"	16,206	+ 7.3	
Under construction.....	"	140,289	- 4.2	

* Estimates of the labour force, the employed and the unemployed, are from The Labour Force, a monthly publication of Statistics Canada, which in addition, contains the characteristics of the labour force, together with definitions and explanatory notes.

† Advance data.

‡ Preliminary.

** Centres of 10,000 population or more.

Canada Department of Labour Publications

Industrial Relations Research in Canada (annual). An inventory of industrial relations research undertaken by the Department, other government departments, academic institutions and private individuals. Cat. No. L2-29/1970.

Economics and Research Branch

Labour Organizations in Canada (annual). Contains a brief comment on the latest statistical data on union membership, and a directory of labour organizations with names of their principal officers, publications and the geographic distribution of their local branches in Canada. (Bilingual). Price \$1.25, Cat. No. L2-2/1971.

Strikes and Lockouts in Canada (annual). Furnishes a record of strikes and lockouts occurring in Canada during a year. Tables and related text show strikes and lockouts by years, by areas, by industries, by time lost, number of workers involved, duration, etc. Price \$5.00, Cat. No. L2-1/1970.

Wage Rates, Salaries and Hours of Labour, 1970. Contains the results of occupational wage rates and standard hours of work in major communities and most industries. (Bilingual). \$3.00. Cat. No. L2-553.

Wage Rates, Salaries and Hours of Labour, 1971. An annual report published in loose-leaf form and followed later by a paperback volume. Contains the results of an annual survey at October 1 of occupational wage rates and standard hours of work in major communities and most industries. First-year service, including attractive binder with index tabs, paperback volume, \$10.00; service without indexed binder, \$7.50; individual tables, free from Surveys Division. Paperback volume, \$3.00. (Bilingual). Cat. No. L2-554.

Working Conditions in Canadian Industry, 1970. (Bilingual). Free from Surveys Division.

Termination of the Appropriate Bargaining Unit by Labour Relations Boards in Canada, by Edward E. Herman, 1966. Occasional Paper No. 6. Price \$3.50, Cat. No. L2-26/5.

Labour in Canada and the United States: an Analytical Comparison, by A. A. Porter and others. Occasional Paper No. 6. Price \$1.75, Cat. No. L2-26/6.

Constitutional Framework of Union Finance, by J. K. Eaton, 1971. Analysis of the financial provisions of the constitutions of the main unions operating in Canada at December 31, 1966. (English or French). Price \$2.00, Cat. No. L41-870.

Women's Bureau

Women's Bureau '69; and Women's Bureau '70. Two publications each containing three papers. The papers deal with the status of women in the labour force and in society, and with various problems encountered by working women. (Bilingual). Free.

Women's Bureau '71. Papers dealing with statistical data on working women; need for perseverance in rectifying injustices affecting working women; actions taken as a result of the Report of the Royal Commission on the Status of Women; and two international agencies with which the Women's Bureau is closely associated. (Bilingual). Free.

Working Mothers and Their Child-Care Arrangements. A statistical study of the number of working mothers, their work patterns, earnings and occupations; the number and ages of the children of working mothers; and the child-care arrangements of working mothers by their work patterns, occupations and earnings. 1970. (English or French). Free.

Women in the Labour Force 1970, Facts and Figures. (Bilingual). Free.

Legislative Research Branch

Labour Relations Legislation in Canada. A comparative study of the federal and provincial Labour Relations Acts in Canada as they existed at the end of 1968. (A separate reprint, updating material in this publication, is available free on request). Price \$3.50. Cat. No. L34-2069.

Labour Standards in Canada. Sets out standards in effect under federal and provincial labour laws regarding child labour, minimum wages, equal pay for equal work, hours of work, weekly rest day, annual vacations with pay, public holidays, fair employment practices, notice of termination of employment, maternity protection (new section) and workmen's compensation. (English or French). Price \$1.00. Cat. No. L2-7/1970.

Workmen's Compensation in Canada. Deals with compensation for employment injury, the basic principles underlying the system, and coverage of the provincial Acts as of December 31, 1967. (Information on changes in workmen's compensation laws is published yearly and is available free on request). 1969. (English or French). Price \$1.00. Cat. No. L34-1969.

Accident Prevention and Compensation Branch

Catalogue of Training Courses in Occupational Safety and Health. (Bilingual). Free. Cat. No. L36-1771.

Canada Occupational Safety Manual. Intended as a guide to persons charged with developing and maintaining an accident prevention program. 1. Planning for Safety. 2. Employment Safety Audit Guide. 3. Accident Investigating and Reporting. (English or French). 50 cents each.

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